

# CITY OF BEAVERTON



# COUNCIL AGENDA

## FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OR 97005

REGULAR MEETING  
MAY 1, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Cover the Uninsured Week: May 1 - 7, 2006

Municipal Clerks Week: April 30 - May 6, 2006

Emergency Medical Services Week: May 14 - 21, 2006

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the City Council Regular Meeting of April 17, 2006

06066      Liquor Licenses: Change of Ownership - Shell Station 311; Shell Station 312; and Shell Station 320

06067      Approval of the City of Beaverton 2006 Action Plan Submission to Washington County

06068      Traffic Commission Issue No.: TC 592 - Speed Limit on SW Barrows Road

Contract Review Board:

06069      Extension of Current Retainer Agreements for Professional Services in Support of the FY 2006/07 Capital Improvements Plan

06070      Bid Award of Independent Dump Trucks Contracted Hourly

PUBLIC HEARING:

06071            Measure 37 Claim (Randy Francis)

ORDINANCES:

First Reading:

06072            An Ordinance Annexing Four Parcels Located in the General Vicinity of  
SW Laurelwood Avenue and SW Hazelnut Lane to the City of Beaverton  
Expedited Annexation 2006-0001 (Ordinance No. 4391)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

# PROCLAMATION

## OFFICE OF THE MAYOR CITY OF BEAVERTON



**WHEREAS,** nearly 46 million Americans—one out of every seven—do not have health care coverage; and

**WHEREAS,** eight out of 10 people who are uninsured are in working families; and

**WHEREAS,** uninsured adults are up to 50 percent more likely to have avoidable hospitalizations; and

**WHEREAS,** one in six Oregonians does not have health insurance; and

**WHEREAS,** there are 105,000 children in Oregon without health coverage; and

**WHEREAS,** more than one third of young adults in Oregon between ages 18 and 24 don't have health insurance; and

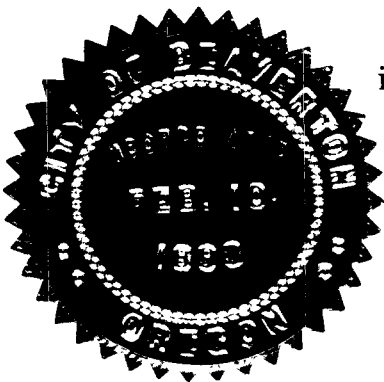
**WHEREAS,** more than 260,000 people in the Portland metro area are uninsured; and

**WHEREAS,** all Americans should have access to affordable, reliable health care coverage; and

**NOW, THEREFORE, I,** Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim May 1-7, 2006 as:

### **COVER THE UNINSURED WEEK**

in the City of Beaverton to recognize the urgency and take meaningful steps toward solutions to one of America's greatest problems.



Rob Drake  
Mayor

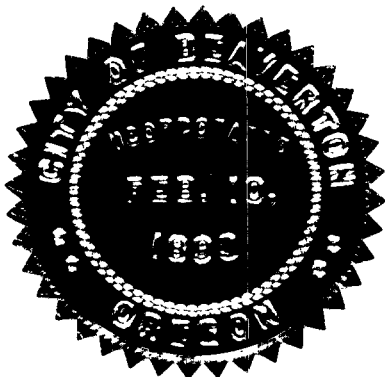
***PROCLAMATION***  
**OFFICE OF THE MAYOR**  
**CITY OF BEAVERTON**




- 
- WHEREAS,** the Office of the Municipal Clerk is a time honored and vital part of local government that exists throughout the world; and
- WHEREAS,** the Office of the Municipal Clerk is the oldest among public servants; and,
- WHEREAS,** the Office of Municipal Clerk provides the professional link between the citizens, the local government bodies and agencies of government at other levels; and
- WHEREAS,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
- WHEREAS,** the Municipal Clerk serves as the information center on functions of local government and community; and
- WHEREAS,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and
- NOW, THEREFORE,** I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim the week of April 30 - May 6, 2006 as:

**MUNICIPAL CLERKS WEEK**

in the City of Beaverton and extend appreciation to our Municipal Clerks, Sue Nelson and Cathy Jansen and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



  
Rob Drake  
Mayor

# PROCLAMATION

## OFFICE OF THE MAYOR CITY OF BEAVERTON



**WHEREAS,** emergency medical services is a vital public service; and

**WHEREAS,** the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS,** access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS,** emergency medical teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

**WHEREAS,** the members of emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS,** Americans benefit daily from the knowledge and skills of these highly trained individuals; and

**WHEREAS,** it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

**WHEREAS,** injury prevention and the appropriate use of the EMS system will reduce national health care costs; and

**NOW, THEREFORE, I,** Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim May 14-21, 2006 as:

### **EMERGENCY MEDICAL SERVICES WEEK**

in the City of Beaverton and everyone on the community is encouraged to observe this week with appropriate programs, ceremonies and activities.



A handwritten signature of Rob Drake in black ink, written over a horizontal line.

Rob Drake  
Mayor

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
APRIL 17, 2006

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, April 17, 2006, at 6:36 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Deputy Police Chief Chris Gibson and Deputy City Recorder Catherine Jansen.

### PROCLAMATIONS:

Mayor Drake proclaimed April 17 – 23, 2006 as Arbor Week and Community Development Week; April 23 - 30, 2006 as Days of Remembrance; and May 2006 as National Bike Month.

### VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, referred to columnist Jerry Boone's article *Stakeout for the Future of Beaverton* in the April 12, 2006, edition of *The Oregonian*. He said the City's new Economic Development Director was quoted as saying Beaverton was a suburban city that would become a high-rise urban city. He said this would be a problem for Beaverton for several reasons. He said the City lacked an adequate road system; roads are not wide enough, it is difficult to get through Canyon Road and during the rush hours the intersection of Barnes Road and Cedar Hills Boulevard have a Level of Service F, which is the worst rating possible. He said high-rise buildings were not possible in downtown Beaverton because there was insufficient parking space available. He said the City used to own the land now occupied by The Round and that was where the downtown center should have been. He said the voters would reject spending millions of dollars for a new civic center downtown. He said Beaverton's residents chose this city because it was a suburban community and he did not believe they would support turning Beaverton into an urban city and losing its livability. He suggested that the City conduct a survey to see if the residents want Beaverton to be a suburban community or an urban city.

WORK SESSION:

06063 Regulation of Payday Loan Businesses

Mayor Drake said this work session was to consider the regulation of payday loan businesses. He said the City Attorney would give a brief synopsis of the issue and Senator Ryan Deckert and Representative Jackie Dingfelder would explain what has happened at the State Legislature. He said this was an information session for Council; no action plan or public hearing has been scheduled at this time.

City Attorney Alan Rappleyea said people throughout the region have expressed concern about the impact that payday loan businesses have on the most fragile members of the community especially the poor, elderly and immigrants who apply for these loans and end up with interest rates over 500%. He said Portland and Gresham had responded by adopting ordinances that regulate these business. He said these ordinances have provisions that allow rescinding of the loan within 24 hours, repayment of at least 25% of the loan before the balance is rolled over, and installment payments to repay the loan. He said in response to that, the payday loan industry filed a declaratory judgment arguing that State law pre-empts local regulation of these businesses. He said the hearing on this issue was postponed until tomorrow and the initial ruling from the Circuit Court judge is expected within the week. He said the State Attorney General's Office has filed an Amicus Brief on this case, stating that State law does not pre-empt local regulation of this industry.

State Senator Deckert, District 14, said he worked with Representative Dingfelder during past legislative sessions on bills that would establish State statutes to regulate payday lending operations. He said Oregon was one of the few states in the nation that has not regulated this industry to protect its most vulnerable citizens. He said there are many of these businesses because there is a market and because the interest rates the businesses earn range from 300% to 500% over a two-month period. He said in a democratic society government has to intercede because there is no market interest in this situation; he was glad to see Beaverton was looking at this issue if the State Legislature did not take action. He said if Beaverton, Portland and Gresham regulate these businesses 30-40% of the citizens of Oregon would be protected by their government.

State Representative Dingfelder, District 45, said she represented the northeast Portland area. She said she has worked on this issue in the Legislature for five years; the issue came to her attention because she had also worked on the Oregon Hunger Relief Task Force. She said the Task Force looked at a range of issues that affect people who come to food banks; 16% of all Oregonians have been to a food bank in the past year. She said surveys indicated people had to come to food banks because they utilized payday lenders and were getting into a cycle of debt in paying off the loans so there was no money left to buy food. She said in researching this issue the Task Force found Oregon had some of the weakest payday loan industry regulations in the nation.

Dingfelder said several legislative sessions ago she and several other legislators proposed looking at the regulation of this industry for this had been discussed for several years. She said in the last legislative session Senate Bill 545 (SB 545), which set out a

number of regulations was introduced. She said as the bill went through Senate hearings it was revised and became a weaker bill; it was a modest approach to start regulation of that industry. She said the Senate passed the bill but it was not heard in the House of Representatives as the Speaker of the House would not schedule a hearing. Consequently SB 545 was not voted on by the House at the last session.

Dingfelder said as result of this many people started talking to commissioners and councilors regarding adopting local regulations. She said there has been great interest from municipalities around the state, from the food banks and from a broad coalition of church groups and social service agencies. She said they also spoke to newspaper and television editorial boards throughout the state to generate press coverage on payday loan businesses and every major editorial board in the state has supported regulation.

Dingfelder said since Portland had adopted an ordinance, other cities have taken the same step. She said a ballot measure is also proposed. She said she supports the measure; it is stronger than the bill she first introduced and it makes fundamental changes to how business is conducted in Oregon. She said the ballot measure caps interest rates at 36% APR with a 10% origination fee and it reduces the number of times a loan can be rolled over from three to two. She said the cities' ordinances have a rescission plan and a pay-down provision so the original loan amount cannot be rolled over; there has to be a reduction in the next loan. She said the pay-down was not included in the ballot measure.

Dingfelder said this would be discussed at the special session of the Legislature on Thursday (April 20, 2006). She said she believed the legislators should not support anything that does not at least meet the requirements in the ballot measure. She said whatever is voted on should be as strong, if not stronger, than the ballot measure. She said she believed these safeguards were needed to protect the consumers in Oregon.

Dingfelder said the ballot measure increases the minimum loan term to 31 days to provide sufficient time to pay back the loan; currently it is 14 days. She said many people cannot pay back the loan in 14 days and that is why there are so many rollovers. She stressed that cities play a very important role. She said the ballot measure does not cover everything that is needed. She suggested the Council look carefully at what other cities have done and at what action the Legislature may take. She said she appreciated that the City was considering this issue and she hoped the City would support measures similar to what other cities have done for there is a very strong need within the State.

Coun. Doyle asked what the Council could do at this meeting to move this forward when the Legislature has its special session.

Deckert replied the biggest step would be to put this on the City's docket. He said this was a signal to the rest of the State that Beaverton has joined the list of cities who will take action if the State fails to act on Thursday.

Coun. Doyle said he was willing to make such a statement. He said a few years ago the anti-smoking lobby asked the City to enact a local ordinance and the Council asked them to work hard to get this done at the State level. He said he did not have a problem joining the leadership on this front.



Dingfelder said until the cities addressed this issue many people in Salem were not paying attention to the extent that they should. She said she was proud to say it was the leadership of many mayors and councils in the Portland metro area who decided to be assertive that was the wakeup call for many of their colleagues in Salem.

Mayor Drake said the Finance Department had identified six payday loan businesses inside the City. He said in fairness to all, if the Council decided to docket this issue, a public hearing would be held so both sides could be heard. He said this work session was to gather information and hear from these speakers. He said he had not scheduled anything further at this time so information could be assembled and Council could review what was happening. He said when he spoke with Representative Haas a couple of weeks ago he thought the special session would be in late May or June 1<sup>st</sup>; but the Governor surprised everyone by scheduling it April 20<sup>th</sup>.

Coun. Stanton asked how close the language in SB 545 was to the Portland and Gresham ordinances.

Dingfelder replied SB 545 was the starting point for Portland's ordinance. She said there was a representative from Portland in the audience who would speak on the City's process. She said there were two elements that were in SB 545; the first was looking at the pay-down before the rollover and the second was a rate cap for the rollover. She said in the bill she first proposed there was a rate cap for the original loan term, but it was a higher cap because politically they did not feel they could get a lower rate. She said she felt the ballot measure's rate cap was the right amount.

Coun. Stanton asked Dingfelder if she had seen the bill that would be presented at the special session. She asked if she was sure this was not an industry-generated bill.

Dingfelder replied she had not seen the language yet but the Governor had stated in the press he would veto anything that was not as strong as the ballot measure language.

Coun. Stanton said her concern was that in the past the Council passed an ordinance to extend housing and employment anti-discrimination status to certain protected classes and the State did not pass similar legislation (SB 1000). She said she wanted to proceed with this and she was concerned that the bill the Legislature enacts would be like the State's anti-smoking bill that still allows smoking in many places.

Decker said he has seen the language and he was very comfortable it would not be weaker than the ballot measure.

Coun. Stanton asked if Portland was the first City to adopt the ordinance.

Dingfelder confirmed Portland adopted the first ordinance and noted a representative from Portland would speak on that process. She said she did not support a pre-emption and she hoped that would not be in the bill. She said on certain issues such as interest rates, State law would supersede local regulations. She said she hoped the State and cities would work together to make stronger safeguards for consumers.

Coun. Bode said she is the Manager of the Virginia Garcia Clinic and the Clinic sees 1500 patients per month. She said these patients were on the Oregon Health Plan, totally uninsured and live marginally. She said across the street from the clinic is a payday loan business. She said she sees these people who are financially strapped, signing contract loans at these businesses and they do not understand the language. She said using these businesses makes them poorer and hungrier, so they do not buy their medicine. She encouraged Dingfelder and Deckert to move this issue forward to help address the issues of hunger and healthcare.

Dingfelder thanked the Council for the opportunity to speak.

Mayor Drake introduced Shannon Callahan, the Director of Social Policy for Portland City Commissioner Dan Saltzman's Office.

Callahan thanked Mayor Drake for the invitation to speak to Council. She said the City of Portland passed the first ordinance regulating this industry. She said Commissioner Saltzman introduced the ordinance that was passed on February 22, 2006, and it will go into effect this week. She said the commissioners wanted to give the lenders sufficient time to comply with the ordinance. She said Commissioner Saltzman felt this was important because in Portland the most commonly-charged interest rate is 521% for a loan period of 14 days or less. She said they have seen interest rates approaching 1,000% for loans of about five days. She said another problem with the payday loans is that they have a balloon feature; partial payments are not allowed and the loans are structured to keep people in debt through rollovers and other abusive clauses in contracts.

Callahan said Commissioner Saltzman followed what happened in the Legislature last year and realized that without meaningful reform these businesses would continue to grow in number. She said there were 74 licensed payday loan shops in Portland and they were increasing rapidly. She said the need to help working families, seniors, and the poor was critical. She said when they studied this issue they found the city could not cap interest rates under State law. She said they looked at other ways to regulate the industry and developed three provisions that are in the ordinance. She said these provisions were in SB 545 and were law in many states. She said the first provision was the right to rescind within 24 hours; this would allow the borrower to realize they made a mistake or to get the money elsewhere and cancel the contract. She said the second provision was the principal requirement that would allow the borrower to pay a portion of the principal so if the loan is rolled over they could still get out of the cycle of debt. She said payday lenders have sued over 12,000 families in Oregon in the last five years; they do vigorous debt collections and wage garnishments so people become trapped for years from a \$300 loan. She said the last provision was the payment plan requirement that gives borrowers 60 days to pay off the loan before they default. She said this helps families and minimizes the burden on the court system as fewer cases go to court.

Callahan said Gresham and Troutdale have enacted similar ordinances. She said Portland's Regulatory Department has offered to work with Troutdale and Gresham to enforce these laws so that different localities would not have to reinvent the wheel. She said in working together it will ensure that these ordinances are enforced. She said that Portland has a full-time regulator who also takes consumer calls. She said in Portland

consumers had not complained because they did not know they could complain or where to register a complaint. She said the Department of Business and Consumer Services takes these complaints and they had received many calls from Portland citizens.

Callahan said that the State is looking at an effective date of July 2007 for its bill. She said that is a very long time to leave consumers without any protection. She said if the City chose to enact such an ordinance, and the Legislature went forward, there would be a need in the short term to help the citizens. She said Portland would vigorously defend its lawsuit. She said no other cities have been involved yet; the lenders have said this was a test case and they may later involve other cities. She said Portland feels it has a good case and the State Attorney General has also supported it.

Coun. Dalrymple asked what opportunities there were for education through the process. He asked if and where information could be posted to educate the consumer. He said he learned from researching the issue that often the APR (Annual Percentage Rate) is not posted, so customers are not aware of the interest rate.

Callahan said there is a State Administrative Rule that requires lenders to post the APR in an easily visible place. She said OSPIRG (Oregon State Public Interest Research Group) did a study in the City of Portland and found that 48% of the lenders were not complying with that rule. She said some do not post the APR information or will post it where it cannot be easily seen. She said the City of Portland has a list of seven credit unions that offer opportunities for these people to get out of long-term debt issues by providing them with lower interest rate loans with a longer payback period. She said through this service they are able to help the people who call into the city. She said hopefully this has started to make a difference for the citizens of Portland and she thought Beaverton could do the same.

Coun. Dalrymple said in his research he saw one payday loan business had 7, 14 and 18-day APRs, and the 7-day APR was over 1,000%. He commended the City of Portland for taking action to regulate the industry.

Coun. Arnold asked if the lenders made any arguments at the Portland hearings.

Callahan said the lenders said regulation was unnecessary as they already do many of the provisions outlined in the ordinance. She said that was not what the commissioners heard from the social advocates and consumers. She said the lenders were concerned about inconsistent or patchwork legislation among the cities. She said the regulations adopted by every city to this point have been identical; that makes compliance easy. She said 70-80% of the businesses in Oregon were out-of-state large conglomerates that dealt with a number of different states, including Washington which has laws very similar to Portland. She said the lenders also asked them not to enact regulation as the Legislature would deal with this in 2007. She said the lenders were now claiming in court that this regulation required that they make changes to their software, which would be a burden on them. She said some people argued that the market would take care of this but the commissioners saw this was not happening.

Coun. Arnold said she knew a woman who earned less than poverty level and had \$67,000 in credit card debt and then took out a payday loan. She said this person did not understand how payday loan businesses make money. She asked if these customers end up defaulting would this regulation be sufficient if the city cannot put a cap on interest rates.

Callahan explained the payday lenders' first step is to get a check from the customer or their electronic checking account information. She said they run the checks through early collecting their money up front and then the customer's checking account is depleted. She said a second way is through the State's hot check law, where the lenders are allowed by State statute to receive up to \$500 for every bad check that a customer writes. She said by nature a customer would be writing a bad check when he goes to a payday loan business. When the check is processed and if it did not clear, the lender would process a collection and wage garnishment, and the lender instantly would receive a \$500 amount from the customer for that check. She said that was why the fees mount so quickly. She said the ordinance would help people trying to get out of that debt. She said the principal buy-down reduces the loan each time there is a rollover; by the fourth rollover the payment plan is in effect so the borrower can payoff the loan.

Coun. Stanton confirmed that only the Legislature could cap the interest rates. She suggested the City lobby its legislators to look at this issue. She asked if the bill being considered during the special session had an interest rate cap.

Callahan replied that she was told the bill mirrors the ballot measure and has a 36% cap. She noted that was subject to change through the review process. She said pawn shops have a 36% APR which was the standard in most states.

Coun. Stanton said she thought 36% was a crime.

Rappleyea said pawn shops were allowed 3% interest per month. He said this was the only regulated interest rate; all others were set by the market.

Coun. Stanton agreed 36% was better than 500-1000%. She asked to confirm that the draft bill had a 36% interest rate cap.

Callahan repeated that she heard the draft bill incorporated a 36% interest rate cap. She said many members of the Legislature would have to vote and the effective date would be July 2007.

Coun. Stanton asked if anyone knew why House Speaker Minnis did not let the bill go forward at the last legislative session.

Callahan said there were news reports at that time that Speaker Minnis was upset with reports from another group linking ties to the Legislature and money from payday lenders for campaign contributions.

Coun. Bode said she found it interesting that the Legislature would not enact the bill until July 2007. She asked if there was anyone trying to move that date forward.

Callahan said the advocates were very concerned about that provision. She said she heard they would try to amend the effective date.

Mayor Drake thanked Callahan for her presentation.

Angela Martin, Portland, representative for Our Oregon and Oregonians for Payday Loan Fairness, said advocates have tried unsuccessfully to get a bill passed through several of the last legislative sessions. She said she first became aware of this issue as a public policy advocate for the Oregon Food Bank. She said that today one out of five Oregonians had eaten a meal from an emergency food box. She said the reality of that statistic was that more and more people were finding that the bills in the mailbox did not match the paycheck in the bank. She said this was the niche that payday lenders have started to fill. She said the advocates, having been unsuccessful at the legislative level, drafted a ballot measure that would address the most egregious aspects of this lending. She said the ballot measure caps the interest rate at 36% and allows for a one-time origination fee of 10% of the face value. A borrower taking out a \$100 loan would have 31 days to pay back the loan and would get charged 3% interest that month (\$3.00) plus a \$10.00 origination fee. The borrower would pay \$13 for the use of that money for one month. She said under the provisions of the ballot measure, if the borrower cannot pay the loan back in time, the loan can be rolled over and the only charge would be the 3% interest; no additional origination fee could be charged. The cost of the loan would become more affordable when the loan was turned over. She said that was important because 70% of consumers had to roll over their loans as they could not afford to pay them off.

Martin said there were actions the Council could take today. She said she had a draft of the legislation to be considered at the special legislative session and it mirrored the ballot measure and has an implementation date of July 2007. She said the advocates did not support the 2007 effective date. She suggested the Council voice its concern to the legislators and suggest an amendment to make the effective date sooner than July 2007. She said the ballot measure has an implementation date of December 2006 and it was felt that was more appropriate. She said the ballot measure does not address a payment plan or principal buy-downs on the rollovers. She said this was where cities could address the most immediate needs in their communities. She said the advocates have been very vocal in stating that any State legislation should not make city action illegal; it should make it unnecessary. She said that gives cities the opportunity to move forward with legislation similar to Portland. She said passing this ordinance would not cost cities anything; it would be a way for local governments to help their most financially vulnerable without a price tag attached to it.

Martin said in reviewing publicly-traded lending companies the default rate was under 5% because there is a live paycheck; these companies are first in line to get their money and the threat is there for them to be paid off first. She said consumers then default on their other loans and they go to the social agencies for help to pay the rest of their bills.

Coun. Stanton asked Martin if she had talked to the community action agencies and other non-profits on this subject in regards to contacting their legislators on this issue.

Martin said the community partners were important and were working on the issue.

Coun. Doyle referred to the comment that it would not cost government anything to take this action. He noted that on the Council's agenda for this evening was Agenda Bill 06064 to allocate \$250,000 to social service agencies. He said regulating the payday loan industry would help these government funds go further because it would help stop the financial loss these people were experiencing so they would not have to turn to social service agencies. He said this may save public monies.

Martin said that was correct. She said this would also help reduce the court costs as there would be fewer cases going to court.

Laura Etherton, representative for Oregon State Public Interest Research Group (OSPIRG), thanked the Council for considering enacting payday loan reform in Beaverton. She said payday loan businesses have grown quickly; this industry was virtually unknown ten years ago and now there are 360 licensed businesses across the state. She said there were over 70 of them in Portland with more in the surrounding cities. She said consumers who take out a loan borrow against their next paycheck and the most common fee is 521% APR with a high rollover fee. She said in their research OSPIRG discovered that these loans are very difficult to repay; they have to be paid back in a very short time and in one large payment, not installments. She said these lenders do not require a credit check and that is the beginning of the predatory relationship. Lenders rely on a post-dated check, or direct access into the lenders account; these checks can be put through the borrower's account repeatedly creating problems with overdraft fees. She said there were a number of clauses in payday loans that make this matter worse. She said some clauses allow the checks to be put through the bank early if the lender believes himself to be insecure in payment of the loan. She said she does not believe these lenders are insecure in getting the loan paid back since they have a post-dated check or access to the consumer's account.

Etherton stressed no matter how desperate the consumer, no lender should be allowed to charge outrageous fees or structure a loan that is destined to lend the consumer deep in debt. She said providing Oregonians with comprehensive reform would take State action, including a cap on the high interest rates. She said cities have a unique role by enacting real stop-gap protections for consumers now. She said the result of cities taking this action has elevated the awareness of this problem for consumers and the State's leaders. She said having mercy on the State's most vulnerable citizens now has priority worthy of a special legislative session. On behalf of OSPIRG she thanked the Council for considering enacting reforms in Beaverton and being one of the cities pushing the State to do better in terms of consumer protection.

Coun. Doyle said if the end result of what has been going on was directed at children instead of working adults the hue and cry would be unbelievable. He said he was glad groups were working to bring this forward and he was amazed that type of loan business was even legal. He encouraged her to keep pushing this issue.

Mayor Drake noted this was happening indirectly to the children of the consumers taking out these loans.

Coun. Stanton said she was thinking of other states that have wet and dry counties, where if you live in a dry county you just cross the line into the wet county. She said her concern was that without a state-wide effort, the lenders would move to other cities where their activities would not be regulated. She asked if there was any data on what has happened in other communities that did this piecemeal as opposed to state-wide.

Etherton replied that as far as she knew Oregon was the first state to have the cities pass reform because the Legislature had not done so. She said the cities were creating the groundswell to demand regulation.

Martin said she has attended every city council hearing on this issue and it has been very encouraging to see the cities agree on this issue. She said this has been a relationship-building opportunity for all of the cities around the state. She said this has moved other cities to action because they do not want the payday loan business relocating to their city for they would not be regulated.

Coun. Dalrymple said that was why he brought up the issue of education. He said regardless of what the Legislature or cities do, that would not prevent the lenders from relocating to other states. He said education has to go hand-in-hand with reform.

Martin agreed and said they have had conversations with several players, facilitated by the Department of Business and Consumer Services. She said they have talked about education and credit unions are looking for a way to partner with social service agencies to get more information out to the consumers. She said Oregon Food Bank drafted a "What You Need To Know About Payday Loans" brochure that offered warnings for consumers. She said the brochure is distributed through the Food Bank system. She said education has to be part of this and there are many opportunities that need to be explored including financial education in schools.

Coun. Dalrymple said there is also the opportunity for people not to take advantage of others through the payday loan process, where they could help the consumer become more fiscally responsible.

Coun. Doyle asked if credit unions were stepping up with the ability to grant a loan. He said without someone to fill that void, the practice would continue. He said if the credit unions were becoming players that would help the citizens.

Martin said several credit unions have already offered help. She said they responded to a call the Governor and Department of Business and Consumer Services issued in 2004, as they were researching this. She said Unitus Credit Union, On Point (Portland Teachers) Credit Union, and First Tech Credit Union were just a few that were offering a paycheck advance at a much more reasonable rate. She said banks were also were stepping into this at a higher rate; US Bank and Wells Fargo offer ATM Cash Advance with APRs in the triple digits.

Coun. Doyle commended the credit unions for their help.

Coun. Arnold referred to her friend that she spoke about earlier and said what she went through was incredible. She said business/commerce is supposed to be setup as a win/win situation. She said her friend had her bank account drained of her paycheck before she could get to it by the lender and bank charges. She agreed with Coun. Dalrymple that people need help to understand what they are dealing with when applying for a payday loan.

Coun. Stanton said about 15 years ago she was out of state and needed money for lunch. She had to use a bank other than her own and had to pay \$5.00 to get her money at 25% interest. She said she learned from that incident. She agreed education was needed and she encouraged the speakers to keep pushing this issue forward so legislators would step up to the plate.

Mayor Drake said Beaverton had become a multi-cultural and diverse community. He said there were language barriers and sometimes it was easy to take advantage of someone in need. He said also assuming good intentions on the lender's part, consumers are focused on the cash and do not see the hardship ahead when it is time to pay back the loan.

Mayor Drake and Coun. Stanton thanked the speakers for the information.

Mayor Drake asked the Council its preference on this issue.

Coun. Doyle said he thought the Council should wait to see the outcome of the special session and then review the City's options above and beyond the Legislature's action. He suggested staff research the issue. He said he did not want to let this slide; and if it is within the City's purview, then Council has to take action.

Mayor Drake asked if there was consensus to have staff gather more information and report back to Council once the Legislature's action is known.

Coun. Dalrymple asked how the City would send its message to the Legislature.

Mayor Drake explained a lot was happening now. He said the Governor surprised everyone with the April 20<sup>th</sup> special session. He said this would be well covered in the press and he was confident that Senator Deckert and Representative Dingfelder would convey the message to the Legislature. He said this would get a lot of attention and the City could be sure that the county's legislators would see this.

Coun. Stanton suggested that staff e-mail each legislator tomorrow to let them know the City is looking at this issue. She said in looking at Gresham's ordinance, she liked Section E on the first page and felt the last sentence of that section should be part of the message sent out to the legislators.

Coun. Bode asked if a motion would be needed to carry this forward.

Mayor Drake said this could be done by consensus.



Coun. Arnold said she was concerned they might be jumping the gun. She said she was uncomfortable with putting out a message to the Legislature without giving the public the opportunity to testify.

Mayor Drake said in the spirit of fairness, he would suggest sending the press coverage from this meeting to the legislators tomorrow. He said the message could indicate the Council had a work session and the depth of discussion, and that there was consensus to await the outcome of the legislative session. He said depending on what the Legislature does the Council could hold a public hearing afterward to respond to the community's needs. He said the Council has always listened to both sides. He said if the Legislature acts on the issue that would be good; if not, the Council could hold a hearing, hear both sides and then take action.

Chief of Staff Linda Adlard said she would be happy to be sure that happens. She said she wanted Council to be aware that during the interim, most legislators do not have staff so the likelihood of them reading the many e-mails they might receive could be questionable. She said staff would send it to a couple of different places to ensure it would reach the legislators on the floor.

Coun. Stanton said she had been aware of this issue for over a year and spoke with many people about it during that time. She said she could not state at a public hearing that she was ready to listen to all information and could be swayed either way based on the testimony. She said she had made up her mind on the subject. She asked the City Attorney if she would have to recuse herself when the Council has a public hearing.

Rappleyea said this was a legislative matter and she would not have to recuse herself as Council was not acting as a judge and this was not a quasi-judicial case.

Coun. Dalrymple said rather than approaching this piece meal where something valuable might be overlooked, Council needed to send a message to the Legislature that it supports reform. He said Council then needs to wait to see the outcome of the special session and then figure out what further action may need to be taken.

Coun. Doyle said he agreed on that approach.

Mayor Drake confirmed that there was consensus to wait for the outcome of the special session and figure out a plan of action afterwards. He said staff would communicate to the legislators that the Council and Mayor had a strong interest in executing reform.

#### COUNCIL ITEMS:

Coun. Stanton invited anyone listening to the payday loan business issue to read the newspaper and call their legislator with their opinion before Thursday, April 20, 2006.

Coun. Arnold said there were two voters forums for local elections scheduled in April. She said one would be held tomorrow (April 17) at the Stockpot, during lunch; the other was on April 25, in the Beaverton City Hall Council Chamber, at 7:00 p.m. She invited the public to attend.

Mayor Drake explained the April 25th forum at City Hall was being sponsored by the Committee for Citizen Involvement and would be televised live.

**STAFF ITEMS:**

There were none.

**CONSENT AGENDA:**

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the Consent Agenda be approved as follows:

Minutes of the Regular City Council Meeting of April 10, 2006

**06064 Social Service Funding Committee Recommendations**

**Contract Review Board:**

**06065 Consultant Contract Award - Engineering Services for Hydraulic Modeling and Floodplain Mapping for Additional Unmapped Beaverton Area Waterways**

Coun. Bode referred to the City's Social Service Funding Program (Agenda Bill 06064) and explained under this program the City uses funds from State Revenue Sharing and Community Block Grants to provide funds to non-profit groups and social service groups. She said the total requests for funding this year exceeded \$400,000; the amount of funds available was \$247,741. She said one of the criteria used is that the non-profit groups have to demonstrate how efficiently they use the funds and how many Beaverton residents they serve. She said the Committee awarded the full \$247,741 and wished there was an additional \$200,000 as there was definite need. She said the Social Service Funding Committee consists of five citizens appointed by the Council and Mayor to serve on that Committee.

Coun. Doyle said he asked the City Recorder to review the recording of the last meeting for a statement he made that he wanted included in the record.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

**ORDINANCES:**

**Second Reading:**

Rappleyea read the following ordinances for the second time by title only:

**06058 An Ordinance Amending Ordinance 4187, The Comprehensive Plan, to Clarify that the Tualatin Hills Park and Recreation District (THPRD) is the Primary Parks and Recreation Provider for the Citizens of the City of Beaverton, CPA 2005-0008 (Ordinance No. 4387)**

06059 An Ordinance Amending Ordinance 2050, The Development Code, to Require Properties Applying for Certain Land Use Approvals to Annex to Tualatin Hills Park and Recreation District (THPRD) and Providing a Waiver Provision, TA 2005-0009 (Ordinance No. 4388)

06060 TA 2006-0001 Scoreboard Sign (Ordinance No. 4389)

Rappleyea explained there was an amendment to Ordinance 4389, Exhibit A. He said there was an addition of three words to the Scoreboard Sign section on the exhibit and he read the amended paragraph in full.

06061 An Ordinance Supplementing Ordinance No. 4270 (Amended and Restated Master Water Revenue Bond Ordinance) and Authorizing the Issuance, Sale, Execution and Delivery of Water Revenue Bonds, in One or More Series, in an Aggregate Principal Amount Not to Exceed \$15,000,000; Related Matters; and Declaring an Emergency (Ordinance No. 4390)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 06058, 06059, 06060 as amended, and 06061, now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:16 p.m.

\_\_\_\_\_  
Catherine Jansen, Deputy City Recorder

#### APPROVAL:

Approved this      day of      , 2006.

\_\_\_\_\_  
Rob Drake, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** LIQUOR LICENSES

**FOR AGENDA OF:** 05/01/06 **BILL NO:** 06066

**CHANGE OF OWNERSHIP**

Shell Station 311  
1220 NW Waterhouse  
Beaverton, OR

Shell Station 312  
11850 SW Canyon Rd  
Beaverton, OR

Shell Station 320  
8725 SW Hall Blvd  
Tigard, OR

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 04/18/06

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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### **HISTORICAL PERSPECTIVE:**

A background investigation has been completed and the Chief of Police finds that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license request.

### **INFORMATION FOR CONSIDERATION:**

Shell Stations 311, 312, and 320, formerly licensed by the OLCC to Central Coast Oil VII NW, Inc., are undergoing a change of ownership. Ars-Fresno, LLC, has made application for Off-Premises Sales Licenses under the trade name of Shell 311, Shell 312, and Shell 320. The establishments are gas station/convenience stores. They operate 24 hours a day, 7 days a week. There is no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

### **RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Approval of the City of Beaverton 2006  
Action Plan Submission to Washington  
County

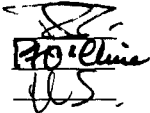
**FOR AGENDA OF:** 05-01-06 **BILL NO:** 06067

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 04-25-06

**CLEARANCES:** CDBG  
Finance  
Attorney



**PROCEEDING:** Consent Agenda

**EXHIBITS:** City of Beaverton 2006 Action Plan

### **BUDGET IMPACT**

EXPENDITURE REQUIRED\$0	AMOUNT BUDGETED\$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

The City's Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs are guided by the Consolidated Plan for Housing and Community Development, a five-year planning document that identifies community needs and priorities for the City and Washington County. Each year the City is required to submit to the U.S. Department of Housing and Urban Development (HUD) an annual update to the Consolidated Plan called the Action Plan, describing the activities the City intends to pursue with funds from the HUD programs in the coming Program Year (PY), which begins on July 1. The Consolidated Plan and Action Plans are documents produced jointly with Washington County, which submits the final documents to HUD.

As part of the 2006 Program Year Action Plan process, public hearings were held on April 11, 2006 in Beaverton and on April 13, 2006 in Hillsboro. The purpose of the hearings was to inform the residents of Washington County and the City of Beaverton about updates to the Consolidated Plan, the available resources for the coming year, and the proposed allocation of resources. Oral testimony on the draft Annual Plan was received at these public hearings, while written testimony was accepted during the public comment period from March 15 through April 13, 2006. Summaries of oral and written testimonies are incorporated into the PY 2006 Plan.

### **INFORMATION FOR CONSIDERATION:**

The City's PY 2006 Action Plan continues to address the priority needs established in the 2005-2010 Consolidated Plan. HUD has allocated \$609,439 of CDBG funds to the City of Beaverton for PY 2006. This is nearly a ten percent (10%) decrease from last year's allocation. The following CDBG activities are proposed in the Plan for PY 2006:

- \$146,265 to continue the Downtown Storefront Improvement Program, which provides matching grants to downtown businesses to improve their appearance and attract further investment in our downtown.
- \$91,416 (the maximum allowable 15 percent of our annual CDBG allocation) to fund a wide range of public service projects that benefit the low- and moderate-income citizens of Beaverton. The Social Service Funding Committee reviewed and selected projects for funding and passed along those recommendations to the City Council for approval on April 17, 2006.
- \$73,870 for Adapt-a-Home, which helps low-to-moderate income seniors and disabled residents of Beaverton with accessibility improvements; this accessibility improvements program will provide small grants to both homeowners and renters for ramps, bathroom fixtures and other modifications to increase the permanent supply of accessible housing in the City and help residents with impaired mobility continue to live independently in their homes.
- \$176,000 for relocation costs and repairs to the First & Main property recently purchased by the City. This property includes 10 rental units the City intends to keep affordable to low income households, as well as an office space which will be rented out to a nonprofit organization serving Beaverton residents.
- \$121,888 of CDBG funds for general planning and administration of the program (including staff costs). General planning and administrative activities include housing planning, public hearings, fair housing, budgeting, preparing HUD-required documents and reports, program monitoring, and financial oversight of CDBG-funded activities.

These amounts are subject to change slightly during the program year to meet the evolving needs of the CDBG projects. At this time, the City is not allocating new CDBG funds to the Housing Rehab program, since staff expect sufficient program income from loan repayments and unspent appropriation carried over from 2005-2006 to fund the program through PY 2006.

In addition, the City of Beaverton administers a share (\$297,730 for PY 2006) of Washington County HOME Consortium funds. The two Beaverton projects for PY 2006 are:

- \$87,873 to Edwards Center for major repairs on a group home they operate for developmentally disabled adults.
- \$186,815 to Tualatin Valley Housing Partners (TVHP) for the Merlo Station affordable housing development for low-to-moderate income residents near the Merlo Station light rail stop and Tualatin Hills Nature Park in Beaverton. This is in addition to an award of funds from prior years of \$313,185, for a total HOME award from the City of \$500,000.

An unallocated balance of \$23,042 in HOME funds will carry over to fund projects in the next Program Year.

**RECOMMENDED ACTION:**

Council approve the City of Beaverton Program Year 2006 Action Plan submission to Washington County.

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**CONSOLIDATED PLAN**  
Housing and Community Development

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**PROGRAM YEAR 2006**  
**ACTION PLAN**

**City of Beaverton, Oregon**

July 1, 2006–June 30, 2007

**City of Beaverton, Mayor's Office**  
Community Development Block Grant Program  
4755 SW Griffith Drive, PO Box 4755, Beaverton, OR 97076-4755  
Telephone (503) 526–2488 • Fax (503) 526–2479  
<http://www.beavertonoregon.gov/departments/economicdev/cdbg/>

April 2006

## COMMUNITY DEVELOPMENT ACTIVITIES

The City of Beaverton Community Development Block Grant (CDBG) program was established in 1994 when the city's population reached the federal threshold (50,000) for entitlement communities. As a CDBG grantee under the U.S. Department of Housing and Urban Development (HUD), the City ensures that all CDBG funded projects comply with the national objectives and other regulations governing the program (see *24 CFR 570*). The City also participates in the Washington County HOME Consortium, and directs a proportional share of HOME funding to project benefiting Beaverton residents.

The five-year *2005-2010 Consolidated Plan for Housing and Community Development* outlines housing and community development needs within Washington County and the City of Beaverton, and incorporates stakeholder and citizen comments gathered in an extensive public participation process while preparing the *Plan*. The City's *PY 2006/2007 Action Plan* specifies the City's plans for CDBG and HOME funds in the coming Program Year (PY), and is meant to respond to the priority needs of the community identified in the *2005-2010 Consolidated Plan*.

## RESOURCES

Below is a summary table of federal resources and non-federal resources expected to be available to address priority needs and specific objectives for the PY 2006/2007 CDBG and HOME programs in the City of Beaverton.

### Beaverton 2006/2007 CDBG Activities

Proposed Activities	Priority	Est. CDBG	Est. Non-Federal	Est. Total
Housing - First & Main Rehab	High	\$ 176,000	\$ 0	\$ 176,000
Downtown Storefront Improvement Program	Medium	\$ 146,265	\$ 111,265	\$ 257,530
Accessibility Rehab Project	High	\$ 73,870	\$ 0	\$ 73,870
Public Services	High	\$ 91,416	\$156,325 state revenue sharing	\$ 247,741
Planning / Administration	N/A	\$ 121,888	\$ 0	\$ 121,888
<b>Total</b>		<b>\$ 609,439</b>	<b>\$ 267,590</b>	<b>\$ 877,029</b>

PY 2006/2007 CDBG funds will allow the City to leverage needed additional resources to successfully carry out eligible projects and activities throughout the City. For



example, the City allocates the full 15% of funds in the CDBG public service cap to assist non-profit organizations to provide public services for Beaverton's low- and moderate-income citizens. The City will leverage that amount in 2006-2007 with 171% match of state revenue sharing dollars.

### **Beaverton 2006/2007 HOME Activities**

The City of Beaverton designates the projects for a portion of HOME funding from the Washington County Consortium; for more information on City-selected projects, see the Washington County HOME Consortium section of the annual Action Plan. Beaverton's share of the Consortium's HOME allocation is estimated to total \$297,730 for the coming year.

<b>Proposed Activities</b>	<b>Priority</b>	<b>Est. HOME</b>	<b>Est. Non-Federal</b>	<b>Est. Total</b>
TVHP/Merlo Station	High	\$ 500,000*	See description under Washington County's section	See description under Washington County's section
Edwards Center - Bonnie Brae House Rehab	High	\$ 87,873	\$ 0	\$ 87,873

\* Includes \$313,185 from PY 2003/2004 and 186,815 from PY 2006/2007.

The City will carry over to next year an unallocated balance of \$23,042 in 2006/2007 funds.

## **PROPOSED PROJECTS**

### **Housing - First & Main Rehab**

In Spring 2006, the City closed on the purchase of a small residential complex at SW First and Main in downtown Beaverton. In 2006/2007, the City will allocate up to \$176,000 for repairs & renovation of the property (and other related costs, including relocation, as necessary).

This project will preserve ten units of housing affordable housing for households at very low incomes (below 50%). CDBG funds dedicated to this project amount to 29% of the 2006/2007 allocation.

### **Downtown Storefront Improvement Program**

The City will allocate \$146,265 in 2006/2007 CDBG funds to downtown storefront improvement grants to help local businesses improve their appearance and attract

further investment downtown. This is an eligible CDBG expense under the National Objective of slum and blight prevention/eradication; in 2005, the City conducted a study demonstrating that the target area had enough deteriorated/deteriorating buildings to qualify under the "area blight" provisions of 24 CFR 570.208(b).

We expect to assist 8-10 businesses downtown in 2006/2007. The project offers matching grants of up to \$20,000 to local businesses in pre-defined areas of downtown for storefront improvements to enhance that visual appeal of the business, along with design assistance from an architect hired by the City. It is open to tenants (with the owner's consent) as well as building owners.

Adult-oriented businesses are not eligible – no business that excludes minors may receive a grant; other exclusions include: national franchises, church and governmental buildings, and primarily residential buildings.

## Public Services

It is the intent of the City to fund a variety of services that benefit residents of the City of Beaverton; nearly all of the beneficiaries will be low- to moderate-income residents. The City will continue to dedicate 15% of the CDBG entitlement allocation for public service projects. The City of Beaverton has funded a wide range of public service activities in recent years including: recreation services, youth counseling services, fair housing and housing related services, senior services, homeless services, domestic violence assistance, and assistance for persons with disabilities.

The City has a total of \$247,741 in available funding for public service programs that benefit residents of the City of Beaverton (\$91,416 in CDBG funding and \$156,325 in State Revenue Sharing funds). CDBG grants will fund the following projects:

Agency	Program	Program Description	Service Location	CDBG Funding
CASA for Children	CASA of Washington County	Advocacy for children under the custody of the state due to parental abuse	City-wide	\$ 19,000
Domestic Violence Resource Center	Monika's House	Provide safe shelter and a crisis line to women and children	Admin office at 233 E. Main St, Hillsboro	\$ 19,000
Good Neighbor Center	Good Neighbor Center	Homeless shelter	11130 SW Greenburg Rd, Tigard	\$ 15,000

Lifeworks NW	New Parent Network	Provide skills training and education to pregnant teens/young parents under 21	12350 SW 5th Street, Beaverton	\$ 17,741
Loaves and Fishes	Minority Community Initiative	Provide home delivered meals to homebound seniors, group meals to seniors, and nutritional assessments and counseling to seniors	5550 SW Hall, Beaverton	\$ 9,000
Oregon Somali Family Education Center	Family Education Program	Education and other services to Somali families in Beaverton	405 SE 66 <sup>th</sup> Ct., Hillsboro	\$ 11,675

### **Accessibility Rehabilitation Project**

The City will continue to fund at \$73,870 the Accessibility Rehabilitation Program established last year to carry out accessibility-related home improvements for low income seniors and people with disabilities. According to the 2000 Census, nearly 4,000 people in Beaverton live with some kind of physical disability, and discussions with local service providers confirm that there is a serious shortage of affordable housing in Beaverton that's accessible.

The City has contracted with Unlimited Choices, Inc. to bring their highly-regarded Adapt-a-Home program to Beaverton. Adapt-a-Home has demonstrated a very effective model of working with homeowners and with landlords to increase the permanent supply of accessible housing. At around \$3,000 per unit (including administrative costs), we expect Adapt-a-Home to serve more than 24 households in the coming year.

### **Housing Rehabilitation Program**

While no new money will be allocated to the program in 2006/2007, prior years' funds and program income will allow the City's Housing Rehabilitation program to continue to assist low-to-moderate income homeowners in Beaverton with necessary repairs to address health and safety issues. Helping residents maintain their homes is an important strategy for maintaining affordable housing and neighborhood livability. We anticipate that about \$200,000 in CDBG will be available for the 2006-2007 PY.

The City will continue to work with the Portland Development Commission (PDC) to administer the day-to-day operations of the City's Housing Rehabilitation program. Mobile home owners receive grants under the program, while those in single-family houses and condos receive low-interest or deferred payment loans.

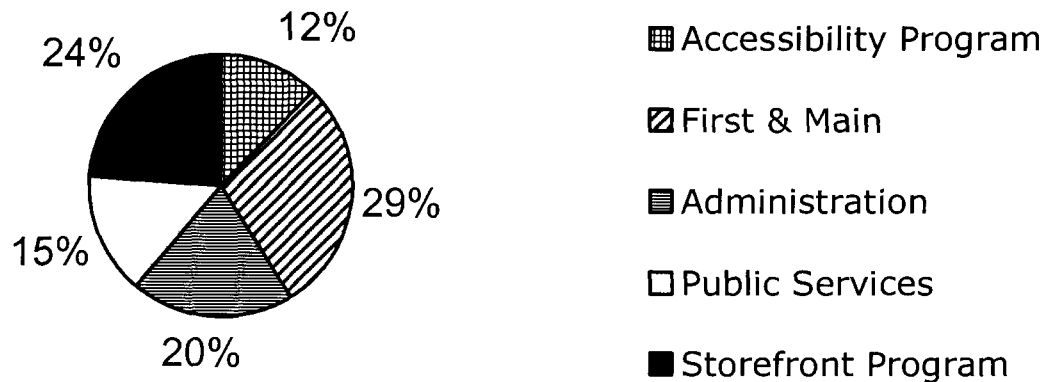
In addition to financing the costs of necessary repairs, funds will be used to address lead-based paint hazards, to increase the inventory of lead-safe housing available to low- and moderate-income families and to protect children under the age of six residing

in that housing. The City of Beaverton also participates in a coordinated regional effort to reduce lead-based paint hazards in both single- and multi-family units under the Portland Lead Hazard Control Program (PLHCP).

### **Planning/Administration**

No more than 20% of the City's annual CDBG allocation may be used for general planning and administration of CDBG-assisted activities. This category includes: strategic planning, public hearings, fair housing, budgeting, preparing HUD-required documentation and reporting, program compliance and monitoring. This activity may also include support for HOME-funded projects chosen by the City.

### City of Beaverton 2006-2007 CDBG Projects



NOTE: the graph above does not include HOME funds allocated by the City.

### GEOGRAPHIC DISTRIBUTION

The First & Main project is on the western end of Beaverton's old downtown at SW First Street and Main Avenue. Public service projects as well as the Housing Rehabilitation and Accessibility Rehabilitation Programs are open to qualified residents citywide. The Downtown Storefront Improvement program will be available to local businesses within an area downtown bounded roughly by Canyon Road, Lombard Avenue, Second Street, and Stott Avenue.

## **MEETING UNDERSERVED NEEDS**

### **Address Obstacles to Meeting Underserved Needs**

#### *Public Services:*

The City of Beaverton allocates the maximum of 15% of its total allocation to public services in an attempt to meet under-served needs in the community in areas such as homelessness, abused women, and at-risk, neglected children. The City also provides additional resources for public service agencies through the City's use of State Revenue Sharing funds.

#### *Accessibility Rehabilitation Program:*

Affordable Housing accessible to people with physical disabilities is in short supply in Beaverton, according to many of the City's community partners. The Accessibility Rehab Program will enable people with impaired mobility to remain in their current living space, and will increase the permanent stock of accessible housing in the City.

### **Foster and Maintain Affordable Housing**

#### *First and Main:*

The First & Main project preserves ten much-needed units affordable to low income renters in downtown Beaverton.

#### *Housing Rehabilitation Program and Accessibility Programs:*

Both the Housing Rehabilitation and Accessibility Programs help maintain low to moderate income residents in their current housing situations, and help to maintain and improve the existing stock of affordable housing City-wide.

### **Remove Barriers to Affordable Housing**

The City engaged in a thorough review of policies bearing on affordable housing in 2004, and adopted several significant changes to the City's Comprehensive Plan, including expediting proposed affordable housing projects in the City's planning and development process, and reviewing City parking requirements. The City is currently considering several additional policies to encourage affordable housing, including tax abatements and SDC/fee relief for projects meeting certain affordability standards.

The City also partners with a number of housing-related organizations and initiatives, including Open Door Counseling Center, the Community Housing Fund, and the

Hispanic Homeownership working group, to promote affordable housing in a variety of ways.

### **Evaluate and Reduce Lead-Based Paint Hazards**

The City of Beaverton works closely with the Portland Development Commission (PDC) to enhance coordination of risk assessments, paint testing, and unit clearances for owner-occupied housing rehab projects, and participates in the Portland Regional Lead Based Paint Task Force to address lead hazards in homes throughout the Portland metropolitan region.

### **Reduce Number of Poverty Level Families**

Through the City's CDBG and long range planning process, under the State of Oregon periodic review statute, the City attempts to address low-income housing needs and reduce poverty.

### **Develop Institutional Structure**

During the Consolidated and Annual Plan process for CDBG fund allocation, the City conducts public hearings in cooperation with Washington County. City staff also interview interested Community Development Corporations (CDC's) regarding housing needs, and meet with the Community Development Department and Engineering Department staff to discuss infrastructure needs in the low-income areas of Beaverton.

In addition to the above measures (that develop the institutional structure for the City of Beaverton's CDBG Program), the City has a public services application process for non-profit agencies to request grant funding from the City. Such funding consists of both CDBG funds and State Revenue Sharing funds. There is a Public Services selection committee that reviews applications, interviews applicants, and makes funding recommendations to the City Council.. The City Council reviews and approves both the funding of the public service agencies and all other CDBG proposed activities.

City staff also participate actively in local planning and coordination efforts such as the Housing Advocacy Group and the Housing and Supportive Services Network.

### **Enhance Coordination Between Public and Private Housing and Social Services**

The City works with interested Community Development Corporations (CDC's) throughout the year on housing issues such as housing trends and availability of properties in Beaverton. The City's Economic Development program works with private developers and CDC's to explore housing and economic development strategies for the City's downtown.

Throughout the year, the City works closely with a variety of social service agencies to better serve Beaverton's low-income residents.

### **Foster Public Housing Improvements and Resident Initiatives**

The City of Beaverton does not administer or finance any public housing programs or initiatives. The Washington County Public Housing Authority is responsible for all public housing improvements and resident initiatives within the City. Public housing improvements and resident initiatives fall within their planning authority.



## **MONITORING STANDARDS AND PROCEDURES**

The City of Beaverton regularly monitors activities undertaken with HUD funds in accordance with all applicable statutory and regulatory requirements including, but not limited to, OMB Circulars A-133 (Audits of State, Local, and Other Nonprofit Institutions), A-122 (Cost Principles for Non-Profit Organizations) and A-110 (Grants and Agreements with Institutions, Hospitals and Other Nonprofit Organizations).

City staff promote a cooperative and pro-active relationship with subrecipient partners for early identification of problems or potential problems. The technical assistance and monitoring that we provide – including orientation training, on-going technical assistance, routine site visits, and quarterly reporting – ensures that HUD-funded projects benefit intended populations, and helps prevent fraud, waste, and mismanagement.

## **AMENDMENTS**

The City of Beaverton does not propose any amendments at this time to the 2005-2010 Consolidated Plan.

## **LISTING OF PROPOSED PROJECTS**

U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects

<b>Project ID/ Local ID</b>	<b>Project Title/Priority/ Objective/Description</b>	<b>HUD Matrix Code/Title/ Citation/Accomplishments</b>	<b>Funding Sources</b>	
0601	CDBG Program Administration	21A/General Program Administration	CDBG	\$121,888
06-01	Planning/Administration	570.206	ESG	\$ 0
		1 Organization	HOME	\$ 0
			HOPWA	\$ 0
			ASSISTED HOUSING	\$ 0
			PHA	\$ 0
			County SSG	\$ 0
			<b>TOTAL</b>	<b>\$121,888</b>
	Provide general planning, administration, and monitoring of the City's CDBG programs and projects.			
			Total Prior Funding	\$ 0
Help the Homeless?	No	Start Date: 07/01/06		
Help those with HIV or AIDS?	No	Completion Date: 06/30/07		
Eligibility:	570.206			
Subrecipient:	Local Government			
Location(s):	N/A			

U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects

<b>Project ID/ Local ID</b>	<b>Project Title/Priority/ Objective/Description</b>	<b>HUD Matrix Code/Title/ Citation/Accomplishments</b>	<b>Funding Sources</b>	
0602	Accessibility Rehab Program	14A/Rehab; Single Unit Residential	CDBG	\$ 73,870
			ESG	\$ 0
06-02	L/M Owner Occupied Housing/High	570.202	HOME	\$ 0
			HOPWA	\$ 0
	Grants to assist accessibility improvements to dwellings of elderly & disabled low-to-moderate income residents	24 housing units	ASSISTED HOUSING	\$ 0
			PHA	\$ 0
			County SSG	\$ 0
			<b>TOTAL</b>	<b>\$ 73,870</b>
			Total Prior Funding	\$ 0

Help the Homeless? No  
Help those with HIV or AIDS? No

Start Date: 07/01/06  
Completion Date: 06/30/07

Eligibility: 570.208(a)(3) – Low/Mod Housing  
Subrecipient: Local Government & Subrecipient Private 570.500(c)  
Location(s): Citywide

U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects

<i><b>Project ID/ Local ID</b></i>	<i><b>Project Title/Priority/ Objective/Description</b></i>	<i><b>HUD Matrix Code/Title/ Citation/Accomplishments</b></i>	<i><b>Funding Sources</b></i>
--	---	---	-------------------------------

0603	Housing Rehab Program	14A/Rehab; Single Unit Residential	CDBG	\$ 0
			ESG	\$ 0
06-03	L/M Owner Occupied Housing/High	570.202	HOME	\$ 0
			HOPWA	\$ 0
	Grants to assist accessibility	20 housing units	ASSISTED HOUSING	\$ 0
	improvements to dwellings of elderly		PHA	\$ 0
	& disabled low-to-moderate income		County SSG	\$ 0
	residents		<b>TOTAL</b>	<b>\$ 0</b>
			Total Prior Funding	\$ 200,000

Help the Homeless?	No	Start Date: 07/01/06
Help those with HIV or AIDS?	No	Completion Date: 06/30/07

Eligibility:	570.208(a)(3) – Low/Mod Housing
Subrecipient:	Local Government & Subrecipient Private 570.500(c)
Location(s):	Citywide

U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0604	First & Main - Rehab	14B/Rehab: Multi-Unit Residential	CDBG	\$ 176,000
			ESG	\$ 0
06-04	Housing	570.202	HOME	\$ 0
			HOPWA	\$ 0
			ASSISTED HOUSING	\$ 0
		10 Housing Units	PHA	\$ 0
			County SSG	\$ 0
	Rehab of 10 unit complex in downtown Beaverton at SW First Street and Main Avenue		TOTAL	\$ 176,000
			Total Prior Funding	\$ 0
Help the Homeless?	No	Start Date: 07/01/06		
Help those with HIV or AIDS?	No	Completion Date: 06/30/07		
Eligibility:	570.208(a)(3) – Low/Mod Housing			
Subrecipient:	Local Government			
Location(s):	12820 SW First Street, Beaverton, OR 97005			

U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects

<i><b>Project ID/ Local ID</b></i>	<i><b>Project Title/Priority/ Objective/Description</b></i>	<i><b>HUD Matrix Code/Title/ Citation/Accomplishments</b></i>	<i><b>Funding Sources</b></i>
--	---	---	-------------------------------

0605	Downtown Storefront Improvement Program	14E/Rehab: Commercial/Industrial	CDBG	\$ 146,265
06-05	Slum and Blight/Medium	570.202	ESG	\$ 0
	Matching grants for storefront	10 local businesses	HOME	\$ 0
	Improvements in Beaverton's Old Town		HOPWA	\$ 0
			ASSISTED HOUSING	\$ 0
			PHA	\$ 0
			County SSG	\$ 0
			<b>TOTAL</b>	<b>\$ 146,265</b>
			Total Prior Funding	\$ 0

Help the Homeless?	No	Start Date: 07/01/06
Help those with HIV or AIDS?	No	Completion Date: 06/30/07

Eligibility:	570.208(b)(1) – Area Blight
Subrecipient:	Local Government
Location(s):	Downtown Beaverton between Canyon and 2nd St, Lombard to Stott

U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0606	Public Services – to be determined	05/Public Services	CDBG	\$91,416
06-06	Public Service Needs/High Priority  Various public services	570.201(e)  500 people	ESG	\$ 0
			HOME	\$ 0
			HOPWA	\$ 0
			ASSISTED HOUSING	\$ 0
			PHA	\$ 0
			County SSG	\$ 0
			<b>TOTAL</b>	<b>\$91,416</b>
			Total Prior Funding	\$0

Help the Homeless?      TBD  
Help those with HIV or AIDS?      TBD

Start Date: 07/01/06  
Completion Date: 06/30/07

Eligibility:      570.208(a)(2) – Low/Mod Limited Clientele  
Subrecipient:      Subrecipient Private 570.500(c)  
Location(s):      Citywide



## Funding Sources

Entitlement Grant (includes reallocated funds)

CDBG	\$ 609,439
ESG	\$ 0
HOME*	\$ 0
HOPWA	\$ 0

**Total** **\$ 609,439**

Prior Years' Program Income NOT previously programmed or reported

CDBG	\$ 0
ESG	\$ 0
HOME*	\$ 0
HOPWA	\$ 0

**Total**

**\$ 0**

Reprogrammed Prior Years' Funds

CDBG	\$ 0
ESG	\$ 0
HOME*	\$ 0
HOPWA	\$ 0

**Total** **\$ 0**

Total Estimated Program Income **\$ 0**

Section 108 Loan Guarantee Fund **\$ 0**

**TOTAL FUNDING SOURCES** **\$ 609,439**

Other Funds **\$ 0**

Submitted Proposed Projects Totals **\$ 609,439**

Un-Submitted Proposed Projects Totals **\$ 0**

*\* City-selected HOME projects appear under the Washington County HOME Consortium in the Action Plan.*

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon



**SUBJECT:** Traffic Commission Issue No. :  
TC 592 – Speed Limit on SW Barrows  
Road

**FOR AGENDA OF:** 5-1-06 **BILL NO:** 06068

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 4-18-06

**CLEARANCES:** Transportation   
City Attorney 

**PROCEEDING:** Consent

- EXHIBITS:**
1. Vicinity Map
  2. City Traffic Engineer's report on Issue TC 592
  3. Final Written Order on TC 592
  4. Written testimony
  5. Draft minutes of the meeting of April 6, 2006 (excerpt)

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

### HISTORICAL PERSPECTIVE:

On April 6, 2006, the Traffic Commission considered the subject traffic issue. The staff report is attached as Exhibit 2.

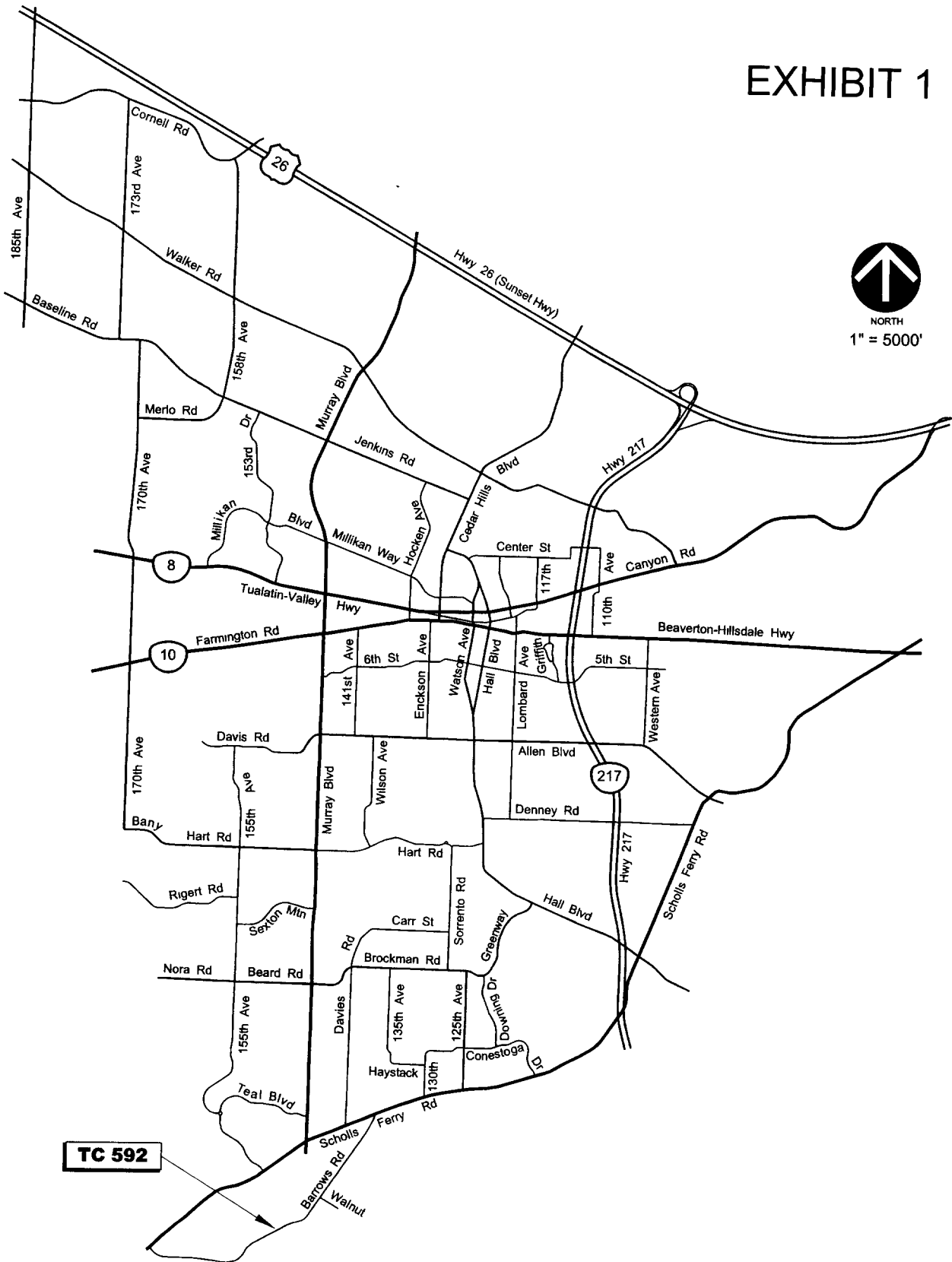
### INFORMATION FOR CONSIDERATION:

A public hearing was held on Issue TC 592. Following the hearing, the Commission voted to approve the staff recommendation on this issue, recommending that the speed limit on Barrows Road be reduced from 45 mph to 40 mph.

### RECOMMENDED ACTION:

Approve the Traffic Commission recommendation on Issue TC 592.

# EXHIBIT 1



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 592 4-07-06.dwg



City Of Beaverton

Vicinity Map for April 2006  
TC Issue: 592

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: MC Date: 3/27/06

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 1

## CITY TRAFFIC ENGINEER'S REPORT

### ISSUE NO. TC 592 (Speed Limit on SW Barrows Road)

March 15, 2006

#### **Background Information**

Staff initiated review of the speed limit on SW Barrows Road between Walnut Street and the westerly intersection with Scholls Ferry Road (at Loon Drive). Review of the speed limit is appropriate due to ongoing development along Barrows Road and recent changes to the road alignment in the vicinity of the Progress Ridge development. In addition, several requests were received from citizens to lower the posted speed limit on Barrows Road. Some indicated that the speed is too high for the type of new developments and the new alignment on Barrows.

Currently the posted speed limit is 45 mph on Barrows Road between Summer Creek crossing (the small bridge near the east end of Barrows Road) and the westerly connection with Scholls Ferry Road. East of Summer Creek the posted speed is 40 mph. To lower the posted speed it will be necessary for the Oregon Department of Transportation (ODOT) to investigate the speed zone and issue a new speed order.

In January 2006 speed surveys were conducted by City staff on SW Barrows Road between Walnut Street and the westerly connection with Scholls Ferry Road. The measured 85<sup>th</sup> percentile speed ranged between 42 mph and 44 mph as shown on the attached drawing.

The 85<sup>th</sup> percentile speed is typically used as an indicator to the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have 5 mph difference between the 85<sup>th</sup> percentile and the posted limit. However, very large variance between the posted speed and the 85<sup>th</sup> percentile speed may result in noncompliance with the posted speed.

Barrows Road is classified as a collector street. Barrows Road west of Walnut Street is under the City's jurisdiction. The part east of Walnut Street it is under Washington County Jurisdiction. The design speed for the new alignment along the Progress Ridge development is 40 mph.

Based on the measured 85<sup>th</sup> percentile speed, the design speed, access, and the geometry of the street, staff is proposing to forward to the State a request for a speed zone investigation on SW Barrows Road, between Walnut Street and the westerly connection with Scholls Ferry Road, with a recommended speed of 40 mph.

The County Traffic Engineer has agreed to initiate a similar speed review on the portion of Barrows Road east of Walnut Street. City and County Traffic Engineers intend to work together with the State to achieve a coordinated speed zoning for all of Barrows Road.

It is anticipated that when Progress Ridge development is completed and the property to the east develops, the 85th percentile speed on Barrows will be lower than today. However, the state review process does not provide for consideration of changes that have no known schedule for

completion. Therefore, it may be necessary to review the speed limit on Barrows Road again in two or three years.

### **Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

### **Conclusions:**

1. Forwarding to the State a request for a speed zone investigation on SW Barrows Road with a recommended speed of 40 mph will comply with the State regulations, satisfying Criterion 1h.
2. If the recommended speed is approved by the State, it will provide safer and more orderly movements of vehicles satisfying Criterion 1a and 1b.

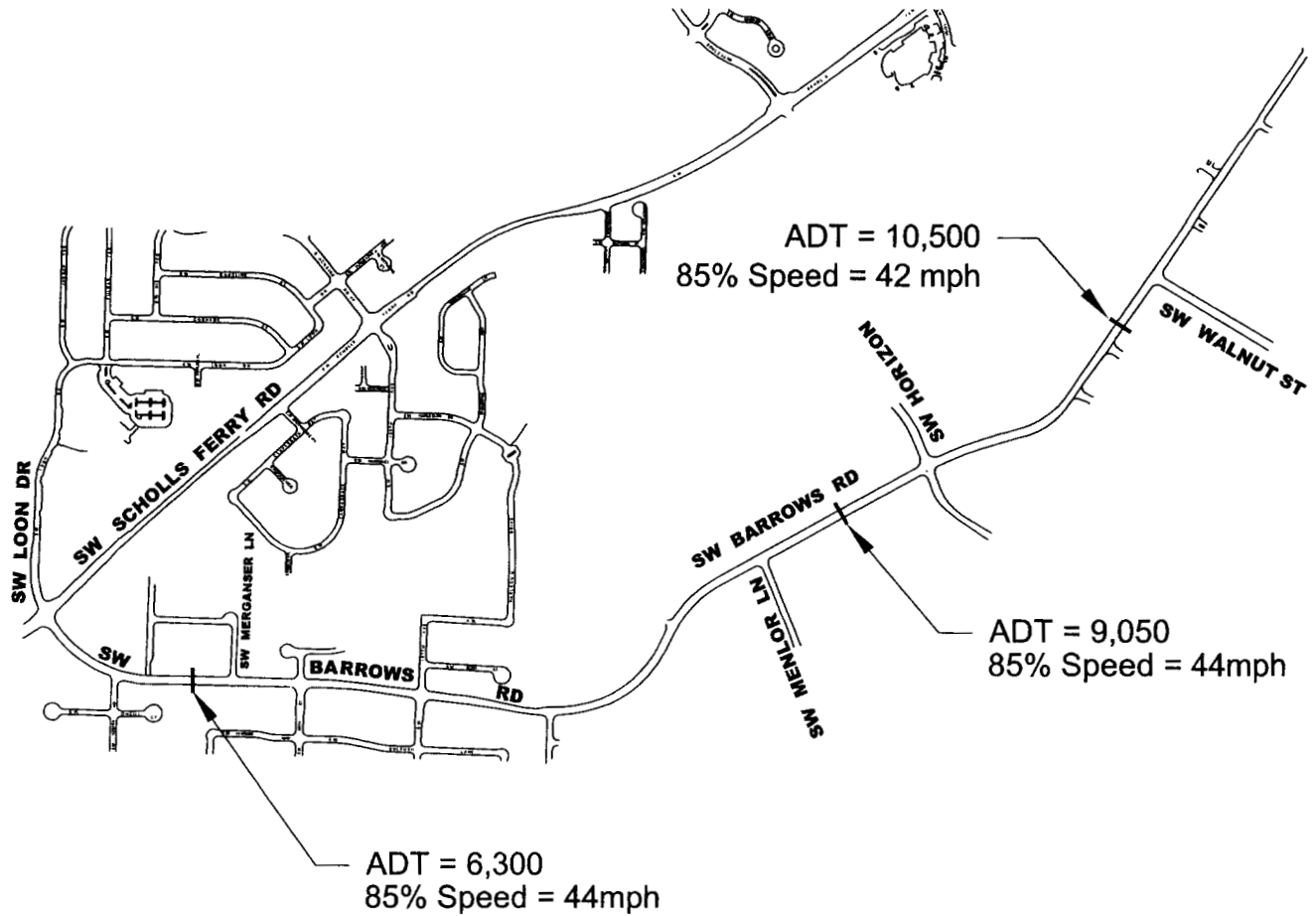
### **Recommendation:**

Forward to the State a request for a speed zone investigation on SW Barrows Road between Walnut Street and the westerly connection with Scholls Ferry Road with a recommended speed of 40 mph.

TC 592



1" = 1000'



ADT = Average daily traffic

Y:\Traffic\Drawings\2006\06-05 Barrows Speed.dwg



City Of Beaverton

Speed Limit On SW Barrows Rd  
Between SW Walnut and Scholls Ferry (West)

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: MC Date: 3/16/06  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Approved By: \_\_\_\_\_ Date: 4

# EXHIBIT 3

## CITY OF BEAVERTON

### FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

#### REGARDING ISSUE NUMBER TC 592 (Speed Limit on SW Barrows Road)

1. A hearing on the issue was held by the Traffic Commission on April 6, 2006.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
  - 1h (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - The speed limit on Barrows Road west of Walnut Street was reviewed by staff due to ongoing development along the road and recent changes to the road alignment.
  - Staff found that the 85<sup>th</sup> percentile speed ranges between 42 and 44 mph.
  - The design speed of the realigned road is 40 mph.
  - The speed limit will be determined by the State.
  - Staff recommends a speed limit of 40 mph to be appropriate and in accordance with the criteria used by the State in establishing speed limits.
  - East of Walnut Street, Barrows Road is under the jurisdiction of Washington County. The County Traffic Engineer has agreed to consider similar speed zone changes on the easterly portion of Barrows Road.
4. Following the public hearing, the Traffic Commission voted ( \_\_ aye, \_\_ nay) to recommend the following action:
  - Forward to the State a request for a speed zone investigation on SW Barrows Road between Walnut Street and the westerly connection with Scholls Ferry Road with a recommended speed of 40 mph.
5. The Traffic Commission decision was based on the following findings:
  - Forwarding to the State a request for a speed zone investigation on SW Barrows Road with a recommended speed of 40 mph will comply with the State regulations, satisfying Criterion 1h.
  - If the recommended speed is approved by the State, it will provide safer and more orderly movements of vehicles satisfying Criterion 1a and 1b.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 6<sup>th</sup> DAY OF APRIL 2006

  
\_\_\_\_\_  
Traffic Commission Chair

## EXHIBIT 4

# MEMORANDUM

## Beaverton Police Department



Chief David G. Bishop

DATE: March 17, 2006  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 592

---

TC 592. I concur with the recommendation to forward to the State a request for a speed zone investigation on SW Barrows Road between Walnut Street and the westerly connection with Scholls Ferry Road with a recommended speed of 40 mph.



# MEMORANDUM

City of Beaverton

DATE: March 16, 2006

TO: Sgt. Jim Monger, Police Chief designee  
Steve Brennan, Operations Director designee  
Jerry Renfro, Tualatin Valley Fire & Rescue

FROM: Randy Wooley, City Transportation Engineer *R. Wooley*

RE: Traffic Commission Issue No. 592

Attached for your review is the City Traffic Engineer's report on Traffic Commission Issue TC 592. Please route any comments to me by March 24, 2006, so that your comments can be included in the Traffic Commission packet. Comments received after that date will be delivered to the Commission at the hearing.

Thank you.

**RECEIVED**

MAR 22 2006

Attachments: Issue TC 592 (3 pages)

ENGINEERING DEPT.  
**RECORD COPY**

cc. Rob Drake, Mayor  
Linda Adlard, Chief of Staff  
Tom Ramisch, Engineering Director  
Cathy Stanton, City Councilor

*Randy.*  
*TVER Has no objection or*  
*Additional comment on this*  
*Issue At this time.*  
*we Support their action!*  
*Jerry L. Renfro*  
*Transportation Systems Dept*  
*TVER*  
*3.22.06*

**RECEIVED**

**RECORD COPY**

MAR 21 2006

**ENGINEERING DEPT.**

***Sandie Merrill***  
***13355 SW Uplands Dr***  
***Tigard OR 97223***  
***503 579-3099***

March 17, 2006

Beaverton Traffic Commission  
c/o City Traffic Engineer  
City of Beaverton  
PO Box 4755  
Beaverton OR 97076-4755

Dear City Traffic Engineer,

I am writing to support the proposal to lower the speed limit on Barrows Rd between Walnut and Scholls Ferry.

I have lived in the immediate neighborhood for 3 years, and I walk and drive Barrows Road on a daily basis. I rarely drive as fast as the current speed limit of 45. The road is not safe at that speed, especially since it has been diverted into the new residential development. I usually drive between 35 and 40 depending on the traffic, weather, and day/night lighting conditions. But since the road is posted at 45, I frequently find tailgaters trying to push me. They apparently aren't aware of the construction going on around the next curve, or the new traffic light, or the frequent pedestrians walking their dogs.

I welcome your proposal to lower the limit to 40. I will feel more safe when it is changed. Thank you.

Sincerely,

*Sandie Merrill*

## RECORD COPY

**Randy Wooley**

---

**From:** Copeland [copeland\_m\_t@comcast.net]

**Sent:** Sunday, March 19, 2006 3:32 PM

**To:** Randy Wooley

**Subject:** SW Barrows Road

What are your plans for SW Barrows Road? Are you thinking of lowering the speed limit? If so, that's not necessary. I drive on that road almost everyday and have not noticed anything to suggest that is needed. People drive that road carefully and at the speed limit (unless someone's going at a snail's pace because they are using their cell phone). What is needed, however, is a widened road and if someone was stupid enough to allow building to the curb, that is not our problem.

Sincerely,  
Trisha Copeland  
[Copeland\\_m\\_t@comcast.net](mailto:Copeland_m_t@comcast.net)  
[Copeland\\_m\\_t@hotmail.com](mailto:Copeland_m_t@hotmail.com)  
503 521 9834

RECEIVED

APR - 4 2006

John G. Holewa  
16247 SW O'Neill Court  
Tigard, Oregon 97223

ENGINEERING DEPT.

April 2 2006

~~RECORD COPY~~

Beaverton Traffic Commission  
C/O City Traffic Engineer  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076-4755

**Re: SPEED LIMIT ON SW BARROWS ROAD**

Dear Sirs,

I am writing this letter **in support of a reduction in the speed limit on SW Barrows Road**. Our home has its backyard fence on SW Barrows Road approximately 100 yards east of the intersection of Roshak and SW Barrows Road.

The traffic on SW Barrows Road has increased since the new housing development in the area and SW Barrows also has become a convenient short cut for eastbound drivers that like to avoid the seven traffic lights on eastbound SW Scholls Ferry Road between Loon/Barrows on the west end and the eastern intersection of SW Barrows Rd & Scholls Ferry Rd. Drivers taking this short cut can enjoy no traffic lights and a 45 MPH speed limit...an inviting alternative to Scholl's Ferry's seven lights and 40 MPH speed limit.

Day and night we are annoyed by the sound of loud mufflers and recklessly accelerating cars that exit SW Scholls Ferry Road and barrel past our back yards at speeds sometimes estimated at 60-70 MPH. The road at the west end of SW Barrows curves sharply and is downhill making it an attractive spot for young hot-rodders to test their driving skills.

Over the past several years we have had five cars hit the fence behind our house and a neighbor's house. The damage from the two most recent incidents are shown in photos below. The recklessly driven cars have all hit the fence as they accelerate down the hill and curve on SW Barrows and come past the curve at the intersection of Roshak and SW Barrows (see the photo sequence below). The speed limit is 45 MPH, which is too high in the opinion of Washington County Deputy Mateski, the officer who responded to the latest incident on December 29, 2005 (case #05-527343).

I drive this stretch of road daily and I believe that even 40 MPH is too high. Lowering the limit to 40 MPH will probably have only a marginal effect. When you drive at the 45 MPH speed limit on the new stretch of curved road by the bridge near the old quarry

hole, it literally doesn't "feel" right. Also, there is a pedestrian crossing at the west end of this stretch of road just as you come out of a curve.

I have tried many different speeds and I believe **35 PMH is the maximum prudent speed limit for SW Barrows.**

Thank you for your consideration,

Regards,



John and Carmel Holewa  
16247 SW O'Neill Ct  
Tigard, OR 97223

Attachments:

1. View looking west on SW Barrows Rd.
2. Picture of a speeding car
3. Damage to Holewa residence on Dec 29, 2005
4. Damage to Holewa residence on June 26, 2005

CURVE AND HILL ON SW BARROWS ROAD – LOOKING WEST--  
FENCE AT THE LEFT THAT HAS BEEN STRUCK 5 TIMES



NOTE THE G-FORCE THIS CAR IS PULLING – IT WAS GOING AN ESTIMATED  
60 MPH WHEN IT PASSED THE HOLEWA RESIDENCE



DAMAGE TO HOLEWA PROPERTY ON DECEMBER 29, 2005 BY HIT & RUN  
DRIVER



SW Barrows Road



DAMAGE TO THE SAME FENCE & BRICK PILLAR IN A JUNE 2005 INCIDENT  
- THIS WAS ON A SUNDAY AFTERNOON AND IT HAD BEEN RAINING



RECEIVED

APR - 4 2006

ENGINEERING DEPT.

April 4, 2006

Beaverton Traffic Commission  
c/o Traffic Engineer  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076-4755

RECORD COPY

Dear Traffic Engineer,

Subject: Barrows road proposed speed limit reduction to 40 mph.

We have lived in this area for 21 years and we see no need for the speed limit to be reduced to 40 mph. Please reject this proposal.

Thank you.

Sincerely,

*Kandi Thompson*

Kandi Thompson  
16350 SW Colony Pl  
Tigard, OR 97224  
(503) 590-7410

**RECEIVED**

APR - 4 2006

ENGINEERING DEPT.

April 4, 2006

Beaverton Traffic Commission  
c/o Traffic Engineer  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076-4755

**RECORD COPY**

Dear Traffic Engineer,

I am writing in regards to the **proposed speed limit reduction to 40 miles per hour on Barrows road**. I am asking that you deny this request. We have lived in the area for over 20 years and have driven down Barrows road many times each week. Barrows has been improved and being wide and well lit appears to be very safe, even at 45 mph. Over all of these years I have not seen any particular problems or accidents. There are good "middle" lanes so even the cross streets have not been a problem exiting or entering the road way.

Thank you for your consideration of this matter.

Sincerely,



Ed Thompson, PE  
16350 SW Colony Pl  
Tigard, OR 97224  
(503) 590-1950

## RECORD COPY

April 4, 2006

Beaverton Traffic Commission  
c/o Traffic Engineer  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076-4755

**RECEIVED**

APR - 5 2006

**ENGINEERING DEPT.**

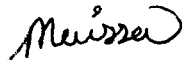
Dear Traffic Engineer,

I am writing you to request that you deny the proposed speed limit reduction to 40 miles per hour on Barrows road. I grew up on Bull Mountain and have traveled Barrows road for many years at the current speed limit of 45 miles per hour. I recently bought a home in the Bull Mountain Meadows neighborhood and travel Barrows on a daily basis. This road, as far as I am aware, has had very few accidents. If anything the stoplight at Walnut and Barrows would have eliminated quite a few by decreasing the risk of merging with on-coming traffic. It is wide, well lit, and I would say from experience not heavily traveled other than homeowners along this area. I do not believe there is any reason to lower this speed limit; all of the homes are in neighborhoods, with no drive ways entering the road. Children are safe to ride their bikes in the neighborhoods and along the sidewalks.

I see this proposal as a chance to set up speed-traps for un-suspecting citizens who have lived in this quiet community for years. A difference of five-miles per hour is not going to eliminate any congestion or prevent any accidents. Rather, it will affect the people who drive this road on a daily basis. We should make better use of our Police Department's limited resources, then setting up speed traps in an area that does not warrant such attention. Please reject this proposal to reduce the speed limit, and allow the community to continue as it is.

Thank you for your consideration of this matter.

Sincerely,



Merissa Thompson, CLA

Merissa Thompson, CLA  
16070 SW Dewberry Lane  
Tigard, OR 97223

# DRAFT

City of Beaverton

## TRAFFIC COMMISSION

Minutes of the April 6, 2006, Meeting

### CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

### ROLL CALL

Traffic Commissioners Scott Knees, Carl Teitelbaum, Bob Sadler, Ramona Crocker, Kim Overhage, Maurice Troute and Tom Clodfelter constituted a quorum. Alternate Member Tom Wesolowski was in the audience to observe.

City staff included City Traffic Engineer Randy Wooley, Project Manager Jabra Khasho, Traffic Sergeant Jim Monger, City Director of Engineering Tom Ramisch, and Recording Secretary Debra Callender.

Tom Tushner, Washington County's new Traffic Engineer, was also seated at the staff table.

## EXCERPT START

### PUBLIC HEARING

#### **ISSUE TC 592: SPEED LIMIT ON SW BARROWS ROAD**

*Chairman Knees opened the public hearing on Issue TC 592.*

### Staff Report

Mr. Wooley said for several years citizens have asked the City of Beaverton to review the speed limit on Barrows Road. Until about one year ago Barrows was under Washington County jurisdiction, with portions of the right of way within the City of Tigard. Last year a portion of the road was redesigned near the development known as Progress Ridge. Once again, neighbors raised concerns about the speed limit. They felt that 45 mph was too fast for the type of new development and the new alignment on Barrows. The City promised to conduct speed studies.

Currently the posted speed limit is 45 mph on Barrows Road between Summer Creek Crossing (the small bridge near the east end of Barrows Road) and the westerly connection with Scholls Ferry Road. Speed studies show 85<sup>th</sup> percentile speeds of 40 and 45 mph.

Mr. Wooley reminded those present that the City can only make a speed recommendation to the State of Oregon. The State does their own speed study and will determine the appropriate speed. Based on the City speed studies, Mr. Wooley believes the State would support either a 40 or 45 mph speed recommendation. It is unlikely the State would support a speed lower than 40 mph.

Mr. Wooley discussed Barrows' collision history for the most recent years with full data available. In 2002, one crash involved property damage. In 2003, there was another collision with property damage. In 2004, there were five collisions. Three of the five collisions involved injuries in addition to property damage.

Mr. Wooley said there was a single vehicle, double fatality collision on Barrows last night. The preliminary police investigation shows the driver was going at least 80 mph. It is unlikely the posted speed limit had any influence on the driver. He added that about a year ago there was another fatality on Barrows. That driver fell asleep at the wheel, drove off the road, and hit a tree. Again, the posted speed limit had little impact on the cause of that collision.

Commissioner Clodfelter asked what part of Barrows Road belongs to Washington County.

Mr. Wooley said until recently the entire road belonged to the County. A year ago the portion between Walnut Street and the west end (at Scholls Ferry) transferred to City jurisdiction. This is the portion of Barrows under consideration in TC 592. Mr. Tushner has agreed to have the County review the speed limit on the remaining portion of Barrows. That recommendation will be based, in part, on tonight's decision.

Mr. Tushner said the County tested the speed on Barrows and found an average of 42 mph on eastbound Barrows and 44 mph on westbound Barrows. The collisions on the County portion of Barrows are concentrated at the intersections of Walnut/Barrows and at Scholls Ferry/Barrows. He agrees that this is an excellent time to review the speed limit.

Mr. Wooley pointed out that the Commission has received written testimony from eight individuals on Issue TC 592. The testimony ranges from requests to keep the 45 mph limit, to a request to lower the limit to 35 mph.

**Public Testimony**

The Commission reviewed written testimony submitted for this hearing from Sandie Merrill, Trisha Copeland, John and Carmel Holewa, Merissa Thompson, Ed Thompson, Kandi Thompson, Traffic Sergeant Jim Monger of the Beaverton Police and from Deputy Fire Marshal Jerry Renfro of Tualatin Valley Fire & Rescue. *(All letters are on file in the Engineering Department.)*

John Holewa, Tigard, Oregon, said his property abuts Barrows about 200 yards east of Barrows' intersection with Scholls Ferry/Loon. His back garden fence runs parallel to Barrows and is only a few feet from the roadway. Mr. Holewa said he brought the speed limit issue to staff's attention several times.

Mr. Holewa said in 2005 two vehicles crashed into his fence. One collision clearly involved excessive speed. The other driver was a hit and run so the reasons for the crash are unknown. Photos of both crash scenes are attached to his letter of testimony. Mr. Holewa believes 35 mph is an appropriate speed for Barrows.

Mr. Holewa said his latest letter to staff pointed out the danger of the 45 mph speed limit through the new stretch of curved road by the bridge near the old quarry. This is where the deadly crash happened last night. He said it "just doesn't feel right" to drive those curves at 45 mph.

Mr. Holewa explained that Scholls Ferry and Barrows Road run nearly parallel to one another for several miles. Drivers who want to speed favor Barrows because it has a 45 mph speed limit and only one traffic signal. In contrast, the same length of Scholls Ferry has a 40 mph speed limit and seven traffic signals. Logically, drivers who want a fast shortcut to the main highway prefer driving Barrows.

Mr. Holewa thanked the Commission and the City of Beaverton for considering this issue and he urged them to lower the speed to 35 mph.

Commissioners Overhage and Teitelbaum both thanked Mr. Holewa for including the photos of the smashed fence with his letter.

Manjunath Rangaswamy, Beaverton, Oregon, said his back yard also abuts Barrows, but on the Beaverton side of the road. He supports reducing the speed on Barrows to 40 mph. He thanked Mr. Holewa for the work he has done in the neighborhood on this issue.

Mr. Rangaswamy said he occasionally walks along parts of Barrows Road with his four-year-old daughter. He said cars drive much too fast for the design of the roadway. He has observed that Barrows is beginning to attract more pedestrians, especially along the section by the quarry lake. Mr. Rangaswamy would like the speed limit in that area reduced to 30 or 35 mph.

Leal Daniels, Beaverton, Oregon, said he lives along Barrows and drives it often. Many people drive Barrows at 55 mph. When he drives the 45 mph speed limit he often sees an impatient speeder riding his back bumper. When he signals and slows to make the right turn into his neighborhood, they maintain their speed and whiz around him using the on-coming lane.

Mr. Daniels said the area of Barrows between Roshak and the curve at the lake is essentially a neighborhood. Many pedestrians cross the road in this area with cars speeding by at 45 mph. Mr. Daniels also notices that farm trucks frequently use Barrows road as a shortcut from Scholls Ferry. It is unsafe to have trucks moving at that speed near pedestrians. He believes a safer speed is 30 to 35 mph.

Commissioner Overhage asked Mr. Daniels if he could suggest any visual cues that would help drivers slow down.

Mr. Daniels said there is a walkway on the curve by the lake. He believes that is a dangerous place for a crosswalk. A safer location would be between 157<sup>th</sup> and 163<sup>rd</sup>. Then drivers could see the pedestrians.

Commissioner Overhage asked if he sees many law enforcement vehicles on this road.

Mr. Daniels said he rarely sees police vehicles on Barrows. He reiterated his key point that a portion of Barrows is a residential neighborhood and the speed limit should identify it as such.



**Staff Comments**

Mr. Wooley mentioned that the County has recently posted a five-ton weight limit on the small wooden bridge at the east end of Barrows. This will eliminate much of the truck traffic that was described in testimony.

*Chairman Knees closed the public hearing on Issues TC 592.*

**Commission Deliberation**

Commissioner Teitelbaum said he drove Barrows several times in a sports coupe while preparing for this hearing. He experimented driving both 40 and 45 mph on dry pavement. Commissioner Teitelbaum said he was uncomfortable driving that fast on some parts of Barrows, particularly through the curves and elevation dips. He would definitely feel uncomfortable driving his minivan at 45 mph on Barrows on a rainy day.

Commissioner Teitelbaum said a shopping center and more housing will eventually be constructed near the old quarry. When that happens, 35 mph would seem a more appropriate speed.

Commissioner Troute asked Mr. Wooley if the residential portions of Barrows will have a lower speed.

Mr. Wooley clarified that Barrows is a collector road, not a residential road. He said it is only residential in the sense that residents' back yards and fences abut the road. The speed limit will be the same for the entire length of Barrows.

Commissioner Troute asked Sgt. Monger about the extent of police speed enforcement along Barrows.

Sgt. Monger said police have had a number of speeding complaints about Barrows from citizens in the last several years. The fastest speed police have recorded on Barrows is 53 mph. Sgt. Monger said 45 mph "looks fast" on Barrows because of the road configuration. Police have stopped some drivers but have written few citations. Police have also placed the speed trailer on Barrows.

Sgt. Monger said motorcycle officers have concealed themselves along the sides of Barrows in order to observe traffic speeds and write citations. These officers told him they have not observed the kind of serious speeding violations that would justify their spending time there. Both day and swing shift officers have had this same experience on Barrows. He said if they "lowered their enforcement threshold to seven or eight mph over the posted speed limit" they could issue citations.

Commissioner Sadler said he often drives Barrows. To prepare for this public hearing, he drove Barrows in a SUV, sports car, motorcycle, and standard sedan.

He set the cruise control at 45 mph and found this was not a comfortable speed in the SUV or sedan. He felt safer driving Barrows at 45 in his sports car; yet he knows that a typical commuter is not driving a sports car. He supports the recommendation of 40 mph as a safe and reasonable speed. He also prefers one consistent speed limit spanning the entire length of Barrows.

Commissioner Clodfelter said he also frequently drives Barrows. He believes 45 mph is too fast. Commissioner Clodfelter is concerned that the continuing development will add more traffic. He wants to see a speed of 35 mph on the entire length of Barrows Road. Dropping the speed to 40 would only have a marginal positive effect.

Commissioner Overhage said she drove Barrows several times before this hearing, but it is not a street that she knows well. She noted that the County end of Barrows near the bridge lacks yellow center striping. She tried putting her car on cruise control at 45 mph; however, the driver ahead of her never exceeded 38 mph. She stated that when she finally got her vehicle up to 45 mph, "it just felt wrong." She supports a 40 mph speed limit. She would like to have the speed limit reviewed in several years when the new development is complete.

Commissioner Crocker asked staff for the exact location of the dividing line between County and City jurisdiction.

Mr. Wooley said Walnut Street is the dividing line.

Commissioner Crocker would like staff to ask the State for a speed limit of 40 mph. If State testing demonstrates that a lower speed is more appropriate, she has no objections. She bases her viewpoint on the testimony she has read and heard on this issue.

Chairman Knees said he has driven Barrows Road for many years. Before the road's design was modified, he felt that 45 mph was a reasonably safe speed, with the exception of one area that combines both a curve and a dip. Now, 45 is too fast for the road's new design. Thirty-five mph might be more appropriate. He asked staff how the State would likely respond to a 35 mph request.

Mr. Wooley said it is unlikely that the State will agree with a request for a 35 mph speed limit. The State will most likely recommend 40 mph.

Commissioner Troute said he supports the proposal to reduce the speed limit. He is concerned about the amount of cut-through traffic that is using Barrows instead of Scholls Ferry. He noted that new development is continuing along Barrows, and in time, the speed limit might need to be reviewed once again.

Commissioner Crocker asked Sgt. Monger what he meant in his earlier comment about not issuing citations on Barrows because of the "enforcement threshold."

Sgt. Monger explained that traffic officers are reluctant to issue a speeding citation unless a driver is documented going at least 10 mph above the posted speed limit. It does not seem reasonable to issue a \$100-plus citation if the violation speed is lower.

Officers have stopped drivers on Barrows going 8 to 9 mph over the limit and these drivers received warnings. Sgt. Monger said police have not seen enough speeding on Barrows to justify investing their limited enforcement hours there.

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to adopt the staff recommendation on Issue TC 592 and to forward to the State a request for a speed zone investigation on SW Barrows Road between Walnut Street and the westerly connection with Scholls Ferry Road with a recommended speed of 40 mph, and to accept the draft final written order.

There was no further discussion.

The **MOTION CARRIED** 6:1. Commissioner Clodfelter voted "nay."

**EXCERPT END**

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Extension of Current Retainer  
Agreements for Professional Services  
in Support of the FY 2006/07 Capital  
Improvements Plan

**FOR AGENDA OF:** 5-01-06 **BILL NO:** 06069

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 4-24-06

**CLEARANCES:**

Capital Projects   
Purchasing   
Finance   
City Attorney 

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** 1 Agenda Bill No. 04170

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$-0-	BUDGETED \$-0-	REQUIRED \$-0-

### **HISTORICAL PERSPECTIVE:**

Council previously awarded retainer agreements to consultants in August 2004 (see Exhibit 1, Agenda Bill No. 04170). The current list of retainer agreements covers a two-year period (FY 2004-05 through FY 2005-06) with an option to be extended for an additional year (FY 2006/07).

### **INFORMATION FOR CONSIDERATION:**

The engineering and consulting firms on the current retainer agreements have served the City well since their inception. Staff recommends that the City exercise the option to extend the retainer agreements for an additional one year period.

### **RECOMMENDED ACTION:**

Council, acting as Contract Review Board, approve the extension of the current retainer agreements one additional year.

AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Retainer Agreements for Professional Services in Support of the FY 2004/05 and 2005/06 Capital Improvements Plans

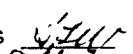
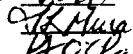
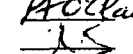
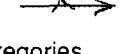
**FOR AGENDA OF:** 8-09-04 **BILL NO:** 04170

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 7-27-04

**CLEARANCES:**

Cap. Projects   
Purchasing   
Finance   
City Attorney 

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** 1. List of Categories and Subcategories  
2. List of Recommended Consultants Grouped in Specific Categories or Subcategories

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
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**HISTORICAL PERSPECTIVE:**

The Engineering Department's current list of consultant retainer agreements for professional engineering services expired June 30, 2004. The list prequalified consultants to perform engineering-related professional services from which contracts are awarded for specific items of work. Staff advertised a new Request for Proposal (RFP) in May of 2004 to support the Capital Improvements Plans for fiscal years 2004/05 and 2005/06, with an option to extend an additional third year for 2006/07. Also, to ensure compliance with City of Beaverton purchasing rules, Resolution Number 3756, adopted May 17, 2004, established an exemption from formal competitive bidding requirements with regard to personal service contracts involving the hiring of professionals on retainer to the City.

The previous RFP contained three categories and 17 subcategories. In the new RFP, three subcategories were eliminated where professional services are expected to decrease (Traffic Engineering Design, Traffic Engineering Studies and Cad Drafting Services).

**INFORMATION FOR CONSIDERATION:**

The RFP was advertised on May 24, 2004, in the *Portland Daily Journal of Commerce*. Proposals were received by 4:00 p.m. on June 23, 2004. A total of 156 proposals from 78 consultants were received in the three categories and 14 subcategories listed in Exhibit 1.

The proposals were reviewed and rated by a consultant selection committee comprised of 25 City staff, divided into 17 review teams (typically 3 on a team). The proposals were distributed so that each committee member reviewed only those proposals in their particular field of knowledge and expertise. Consultants in each category were rated based on firm qualifications, key personnel qualifications, client service, cost schedules, and other supporting information. When sub-consultants were included in a proposal as a team, the entire team was rated as a whole.

To complete the review, a list was compiled for each of the three categories that are not divided into subcategories. For those that have subcategories, a list was compiled for each of the 14 subcategories. As specified in the RFP, the consultants that ranked 70 or higher (based on the average score of each proposal) in each category or subcategory were selected for each list. Exhibit 2 contains the recommended list in each category and subcategory.

Staff recommends that Council award retainer agreement contracts to all of the engineering consultants listed in Exhibit 2. After Council approves the consultant list, staff will issue the contracts immediately. Staff will then prepare scopes of work and negotiate work plans, schedules, and fees for projects in the FY 2004/05 Capital Improvements Plan with consultants selected from the list.

In selecting consultants from the list, staff will maintain a project list in each category or subcategory in an effort to distribute City work among all consultants retained. If the anticipated total fee is \$250,000 or less, consultants will be selected based on the consultant's fee, availability, competency and project familiarity. If the anticipated total fee is over \$250,000 and under \$350,000, a minimum of two consultants on the list shall be requested to submit a written proposal with the selection based on the consultant submitting the best responsive proposal. However, the department head may, with written justification, select a particular consultant on retainer to work on a specific project. If the anticipated total fee is \$350,000 or more, a consultant's services must be procured through a separate request for proposal process. Staff will return to Council in the future with recommendations to award professional services contracts to specific consultants for work on specific projects of \$25,000 or greater.

When it is determined that specific expertise in a category or subcategory is needed for a project, staff will first select a prime consultant for the project from the list. If the prime consultant lacks expertise in another category or subcategory that is required for the project, staff will require the prime consultant to subcontract with a consultant selected by the City from the appropriate list.

**RECOMMENDED ACTION:**

Council award retainer agreement contracts to the consultants listed on Exhibit 2, and direct staff to begin negotiating Professional Services contracts for projects in the FY 2004/05 Capital Improvements Plan.

## Exhibit #1

### List of Categories and Subcategories for Engineering Professional Services

No.	Category or Subcategory	Number of Proposals
1	Engineering Services for Transportation Improvements	16
2	Environmental Site Assessments and Investigations	9
3	Natural Resources Assessments	14
4	Geotechnical Engineering Services	6
5	Water and Waterworks Improvements	17
6	Stormwater and Wastewater Improvements	23
7	Hydrology and/or Hydraulic Modeling	14
8	Subsurface Utility Investigation Services	3
9	Construction Inspection Services	6
10	Survey Services	9
11	Landscape Architecture Services	6
12	GIS Services	10
13	Aerial Photography and Mapping Services	5
14	Pavement Management Services	3
15	Services in Support of the Public Involvement Process	4
16	Real Property, Right of Way and Easement Services for Acquisition and Negotiation Services	5
17	Real Property, Right of Way and Easement Services for Appraisal Services	6

**TOTAL** 156

**EXHIBIT #2**  
**Proposed Professional Services Retainer List**

Geotechnical Engineering Services		
Consultant	Number	Score
Squier/Kleinfelder Beaverton, OR	1	77.7
Northwest Geotech Wilsonville, OR	2	75.0
GeoDesign Portland, OR	3	71.0
Groundwater Solutions Portland, OR	4	70.3

Engineering Services for Transportation Improvements		
Consultant	Number	Score
David Evans & Associates Portland, OR	1	87.9
Harper Houf Peterson Righellis Portland, OR	2	87.7
OTAK Lake Oswego, OR	3	85.2
Wallis Engineering Vancouver, WA	4	80.6
Kurahashi & Associates Beaverton, OR	5	75.8
Lee Engineering Oregon City, OR	6	75.8
DeHaas & Associates Wilsonville, OR	7	75.0
KPFF Portland, OR	8	72.9

Services In Support of the Public Involvement Process		
Consultant	Number	Score
Debie Garner Vancouver, WA	1	95.7
The JD White Co Vancouver, WA	2	93.0
Cogan Owens Cogan Portland, OR	3	88.3

Real Property, Right of Way and Easement Services		
A. Acquisition and Negotiation Services		
Consultant	Number	Score
David Evans & Associates Portland, OR	1	90.0
Right of Way Associates Beaverton, OR	2	89.5
Universal Field Services Salem, OR	3	88.0
Epic Land Solutions Gresham, OR	4	81.5
B. Appraisal Services		
Consultant	Number	Score
David Evans and Associates Portland, OR	1	77.1
RP Herman & Associates Portland, OR	2	74.1
Day Appraisal, Co. Portland, OR	3	73.7
Arvidson & Associates Beaverton, OR	4	72.5

Environmental Engineering Services		
A. Environmental Site Assessments and Investigations		
Consultant	Number	Score
Squier/Kleinfelder Beaverton, OR	1	85.7
GeoEngineers Portland, OR	2	81
GeoDesign Portland, OR	3	78.3
Hahn & Associates Portland, OR	4	76.3
PBS Engineering & Environmental Portland, OR	5	75.3
AMEC Portland, OR	6	75.0
ATC Associates Tigard, OR	7	72.3
HDR Portland, OR	8	71.7
B. Natural Resource Assessments		
Consultant	Number	Score
Vigil Agrimis Portland, OR	1	83.0
Pacific Habitat Services Wilsonville, OR	2	82.5
Adolfson & Associates Portland, OR	3	79.0
PBS Engineering & Environmental Portland, OR	4	77.5
Environmental Science & Assessment Portland, OR	5	74.5



**EXHIBIT #2**  
**Proposed Professional Services Retainer List**

Technical Support Services											
A. Subsurface Utility Investigation Services			B. Construction Management and/or Inspection Services			C. Survey Services			D. Landscape Architecture Services		
Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score
TBE Group Kent, WA	1	92.0	CMTS Portland, OR	1	79.3	CES/NW Lake Oswego, OR	1	89.8	WRG Design Portland, OR	1	87.7
Loy Clark Pipeline Tualatin, OR	2	89.0	MacKay & Sposito Vancouver, WA	2	76.0	DeHaas & Associates Wilsonville, OR	2	89	Walker Macy Portland, OR	2	86.0
			W&H Pacific Portland, OR	3	71.8	W&H Pacific Portland, OR	3	87.7	Greenworks Portland, OR	3	85.3
						Westlake Consultants Tigard, OR	4	87.7	OTAK Lake Oswego, OR	4	81.3
						Tom Nelson & Associates Portland, OR	5	87.3			
						OTAK Lake Oswego, OR	6	86.7			
						Crane and Merseeth Milwaukie, OR	7	85.3			
						WRG Design Portland, OR	8	84.3			
						Kurahashi & Associates Beaverton, OR	9	77.3			

Technical Support Services (Continued)											
E. Geographical Information System (GIS) Services			F. Aerial Photography and Mapping Services			G. Pavement Management Services					
Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score			
Alsea Geospatial Corvallis, OR	1	87.5	David Smith & Associates Portland, OR	1	99.0	Engineering Information Services Salem, OR	1	100.0			
GeoNorth Portland, OR	2	87.5	OSI Geomatics Bellevue, WA	2	93.5	Squier/Kleinfelder Beaverton, OR	2	87.5			
Marshall & Associates Olympia, WA	3	78.5	3D West Eugene, OR	3	88.0						
CH2M Hill Portland, OR	4	73.0									
GeoEngineers Portland, OR	5	72.5									
California CAD Solutions Modesto, CA	6	70.5									

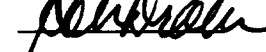
**EXHIBIT #2**  
**Proposed Professional Services Retainer List**

Utility Infrastructure Improvement Services								
A. Water and Waterworks Improvements			B. Wastewater and Stormwater Improvements			C. Hydrology and/or Hydraulic Modeling		
Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score
Economic and Engineering Services Portland, OR	1	78.3	Tetra Tech/KCM Portland, OR	1	82.7	Pacific Water Resources Beaverton, OR	1	82.7
Murray, Smith & Associates Portland, OR	2	76.7	David Evans & Associates Portland, OR	2	78.0	Tetra Tech/KCM Portland, OR	2	78.3
Lee Engineering Oregon City, OR	3	76.3	Kennedy/Jenks Portland, OR	3	73.7	David Evans & Associates Portland, OR	3	76.3
West Yost & Associates West Linn, OR	4	74.3	Lee Engineering Oregon City, OR	4	73.7	OTAK Lake Oswego, OR	4	70.0
CH2MHill Portland, OR	5	71.3	KPFF Consulting Engineers Portland, OR	4	72.0			
HDR Portland, OR	6	70.0						

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

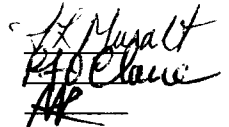
**SUBJECT:** Bid Award of Independent Dump Trucks Contracted Hourly **FOR AGENDA OF:** 5-1-06 **BILL NO:** 06070

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 4-19-06

**CLEARANCES:** Purchasing  
Finance  
City Attorney



**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** Bid Summary

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$*	APPROPRIATION REQUIRED \$
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\*Multiple Account Numbers May be Used to Fund Independent Dump Trucks

### **HISTORICAL PERSPECTIVE:**

The FY 2006-07 Budget will include funding to resurface streets and install numerous construction projects by the Public Works Department. The City of Beaverton currently has four ten yard dump trucks but may need up to ten trucks per day to resurface streets efficiently. The City Construction Crew and others may also utilize these private trucking companies as needed. The City's current bid unit prices for hiring privately-owned dump trucks expires on June 30, 2006.

### **INFORMATION FOR CONSIDERATION:**

Invitation to bid was advertised in the *Daily Journal of Commerce* on March 29, 2006. Three (3) bids were received and opened on April 13 at 2:00 p.m. in the Finance Conference Room from Baker Rock Resources, Roy Renner Trucking and CG Gredvig. It is the City's intent to award to all three contractors and utilize them in the following manner. The lowest dollar contractor will be notified first, if they cannot fulfill the trucking needs then the second lowest contractor will be contacted, if they cannot fulfill the trucking needs then the third lowest contractor will be contacted.

The new bid prices are in line with inflation including current diesel fuel price increases. City staff has determined that it is more cost effective to hire private trucking companies when needed rather than purchasing additional City-owned dump trucks.

The invitation to bid and specifications called for a one-year contract with an option to renew for four additional one-year periods with the total term not to exceed five years. Prices are firm for the first year. Contractors may propose price adjustments for subsequent years in writing not less than 60 days prior to the anniversary date of the contract. The documentation shall show an increase in Contractor's cost for each item for which a price increase is proposed. City shall have the option to either accept the price increase effective on the anniversary date or terminate the contract.

**Agenda Bill No:** 06070

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award contracts to Baker Rock Resources of Beaverton, Roy Renner Trucking of Hillsboro and CGT Gredvig of Beaverton for private dump truck hauling services for Fiscal Year 2006-07 and approval for City staff the option to extend the contracts up to an additional four years based upon review of service and price each year.

# BID SUMMARY

## CITY OF BEAVERTON

**TO:** Mayor & City Council

**FROM:** Purchasing Division

**SUBJECT:** Bid Opening

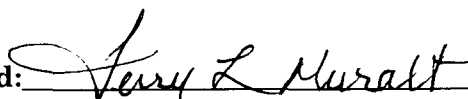
Bids were opened on APRIL 13, 2006 at 2:00 PM in the **FINANCE CONFERENCE ROOM**

For: "HAULING SERVICES OF ASPHALT MATERIAL USING SOLO DUMP TRUCKS OR TRUCK AND  
TRANSFER(TRAILER DUMP)"  
FY 2005-06

Witnessed by: PETE DAVIS

VENDOR NAME AND CITY, STATE	EST QTY	Hrly 10x12 Truck	Time & Half 10x12 Truck	Hrly Truck & Transf	Time & Half Truck & Transf
BAKER ROCK RESOURCES BEAVERTON, OR	PER HR	\$63.50	\$77.50	\$83.50	\$97.50
ROY RENNER TRUCKING INC HILLSBORO, OR	PER HR	\$70.00	\$70.00	\$95.00	\$95.00
C.G. GREDVIG, INC. BEAVERTON, OR	PER HR	\$75.00	\$112.50	\$95.00	\$142.50

The Purchasing process has been confirmed.

Signed:   
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 4/13/06

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon


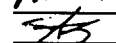
**SUBJECT:** Francis Ballot Measure 37 Claim for  
Compensation

**FOR AGENDA OF:** 5-1-06 **BILL NO:** 06071

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 4-28-05

**CLEARANCES:** City Attorney   
Dev. Serv. 

**PROCEEDING:** Public Hearing

**EXHIBITS:** 1. Settlement Agreement  
2. Vicinity Maps (3)  
3. Correspondence dated October  
26, 2005 from Donald Willis

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$3,000,000*	BUDGETED \$0	REQUIRED \$3,000,000

\* This is the amount of compensation claimed by George "Randy" Francis that is due to him as a result of City zoning regulations affecting his properties.

#### **HISTORICAL PERSPECTIVE:**

On October 26, 2005, representatives for George "Randy" Francis filed a claim for compensation against the City as authorized by Ballot Measure 37. The claim is for \$3,000,000. In the claim, Mr. Francis alleges that the City's zoning regulations have devalued his properties. The affected properties are as follows:

Beaverton Ford Dealership properties:

- 4225 SW Hall Boulevard and 4200 SW Watson Avenue (also known as TLID#s 1S116AA 07600, 07700, 07800, 07900, 08000)
- 12295 and 12325 SW Canyon Road and 4250 SW East Avenue (also known as TLID#s 1S115BB 00600, 00700, 00800, 00900, 01000)
- 4070 SW Hall Boulevard and 12375 SW Beaverdam Road (also known as TLID#s 1S110CC 01002, 01005, 01006)

Beaverton Nissan Dealership properties:

- 13525 - 13555 SW Tualatin Valley Highway (also known as TLID#s 1S116BA 01700, 01800, 01900, 02000, 02100)

Beaverton Hyundai Dealership properties:

13255 SW Farmington Road (also known as TLID#s 1S116AC 00100, 00190, 00200, 00400)

**INFORMATION FOR CONSIDERATION:**

The materials filed on Mr. Francis' behalf are sets of deed documents on the properties which are the subject of the claim. The deeds indicate that Mr. Francis took ownership, whole or in part, on dates ranging from 1963 to 1996. Mr. Francis declined to submit any other information as required by the City's code for addressing BM 37 claims. Mr. Francis' representative submitted correspondence dated October 26, 2005 which summarizes Mr. Francis' claim. There are many sections of the Development Code and Comprehensive Plan that Mr. Francis alleges reduces the value of his property.

In meeting with Mr. Francis, it was determined that his concerns were focused on three areas of the Development Code and a prior condition on his property for an easement. The City staff and Mr. Francis agreed on a proposal that would address these areas and forgo all the other claims. If this proposed settlement is adopted, Mr. Francis agrees to withdraw his claims on the Nissan parcels and the Hyundai parcels. Additionally, if the settlement is adopted, Mr. Francis agrees to waive all his Measure 37 claims on Beaverton Ford Dealership properties. The settlement agreement, attached as Exhibit 1, provides that the City will modify a prior condition of an approval so that the City only requires a 26-foot sewer line easement until the year 2030. It agrees to not enforce landscaping requirements so as to block the viewing of vehicles for sale. It agrees to waive requirements on parking vehicles in the flood plain as long as a two-hour emergency evacuation plan is adopted. Finally, it agrees to waive, for these properties, the requirement that automobile dealerships be located within wholly enclosed buildings and the prohibition on the use "Automotive Services - Major".

**RECOMMENDED ACTION:**

Approved the proposed settlement agreement.

**SETTLEMENT AGREEMENT  
FRANCIS BALLOT MEASURE 37 CLAIMS**

**Whereas**, George Randy Francis filed a Ballot Measure 37 claim against the City in a letter from his attorney dated October 26, 2005 and attached hereto and has been marked as City File No. M37 2005-02.

**Whereas**, the City required a condition for a fifty-two foot easement for a sewer line across Mr. Francis' property described as the Damerow Ford Parking Lot, Case No# SD960016.

**Whereas**, the City and Mr. Francis determined that a negotiated solution to these issues was beneficial to both parties.

The parties agree to the following:

1. The City hereby modifies the condition of approval on the property from a 52 foot easement to a temporary 26 foot easement that will terminate in the year 2030. This modification of the condition will be placed in the land use file.
2. For the properties described in exhibit "1", the City hereby modifies the conditions and to not to apply landscaping regulations which will substantially block the viewing of the vehicles for sale on these properties. This modification will be placed in the land use file.
3. For the properties described in exhibit "1", the City waives its application of the restriction on parking vehicles in the flood plain as long as an emergency vehicle removal plan is put into place that requires the removal of all vehicles on the property in the flood plain within two hours of notice of a local flood advisory from the National Weather Service.
4. For the properties described in exhibit "1", the City waives the restrictions in BDC 20.20.43.2.(B)(16), Vehicle Sales, Lease or Rental, providing for one use restriction in BDC 20.20.43.2.A(D)(1)(f) and BDC 20.20.43.2.C, making Automotive Services, Major, a prohibited use.
5. The waivers granted in paragraph 3 and 4 above are granted to Washington County Investments Limited Partnership and the Francis Family Trust.
6. In consideration for the waivers and modifications of conditions and in further consideration of the City's waiver of those legal defenses, Mr. Francis, his business and trust entities and for his and their heirs, successors and assigns agree to waive and permanently forgo all other Measure 37 claims for regulations listed in the claim application (City File No. M37 2005-02) or other existing regulations for the properties identified in exhibit "1".

Signed this \_\_\_\_\_ day of May, 2006

\_\_\_\_\_  
George Randy Francis

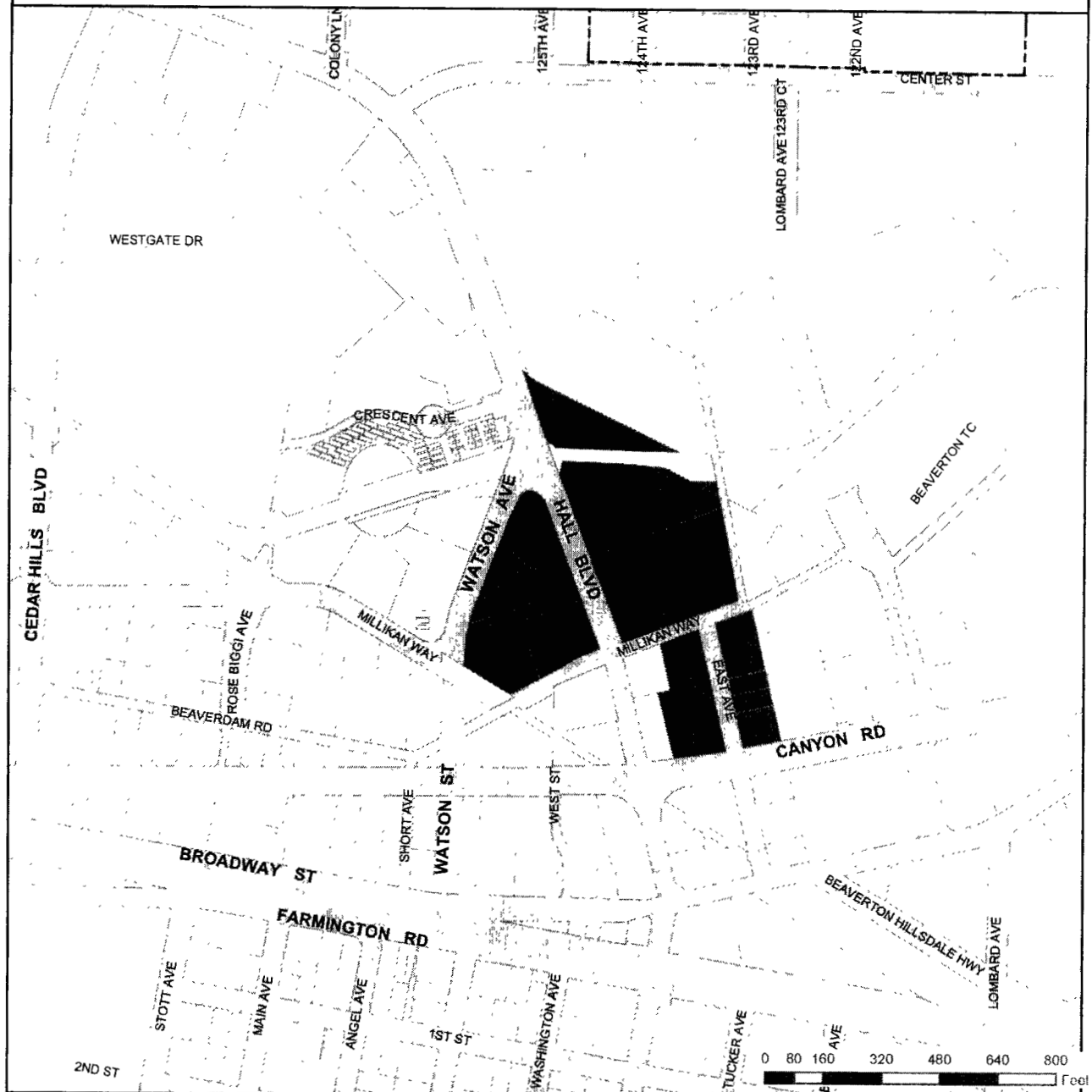
\_\_\_\_\_  
Rob Drake, Mayor

Dated 4/28/06



Exhibit Name: Detail

Exhibit Number: 2A



**Project: RANDY FRANCIS  
MEASURE 37 CLAIM**

*Department: Community Development  
Division: Development Services*

Date:  
4/07/06

Map Number  
1S116AA07000, 1S116AA07700,  
1S116AA07800, 1S116AA07900,  
1S116AA08000, 1S115BB00800,  
1S115BB00700, 1S115BB00800,  
1S115BB00900, 1S115BB01000,  
1S110CC01002, 1S110CC01005,  
1S110CC01006

N



Application #: M37 2005-0002

Exhibit Name:DETAIL MAP

Exhibit Number:2B

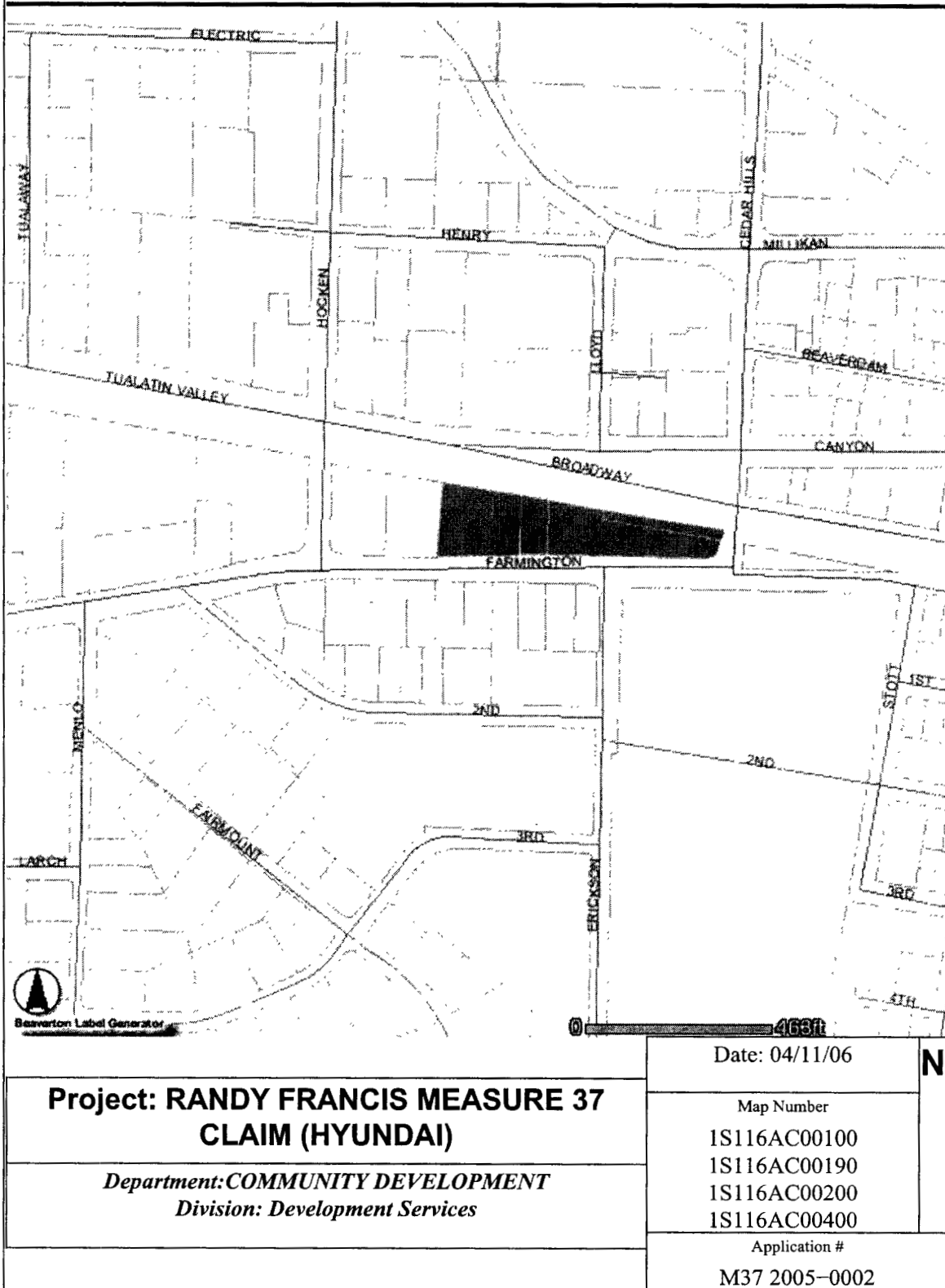


Exhibit Name:DETAIL MAP

**Exhibit Number:** 2C

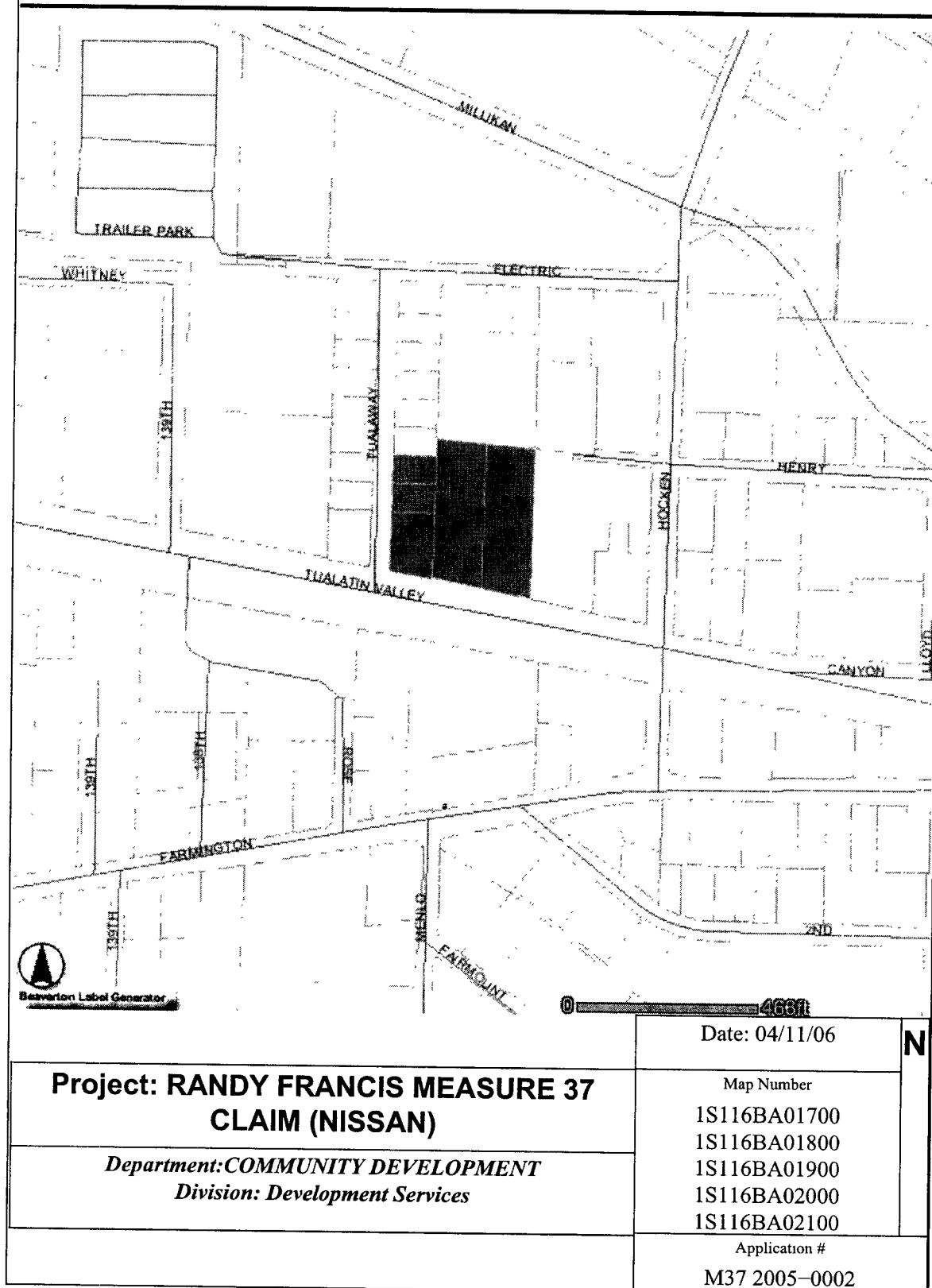


Exhibit Name:DETAIL MAP



Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503-222-9981 | Fax 503-796-2900 | www.schwabe.com

**DONALD JOE WILLIS**  
**Direct Line: (503) 796-2929**  
**E-Mail: jwillis@schwabe.com**

October 26, 2005

**VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

City of Beaverton  
c/o Alan Rappleyea, City Attorney  
City of Beaverton  
4755 SW Griffith Dr.  
Beaverton, OR 97005

Re: Measure 37 Claim for George R. Francis and Washington County Investments  
Limited Partnership

Dear City of Beaverton:

This firm represents George R. Francis and Washington County Investments Limited Partnership (hereinafter Mr. Francis) and is submitting this written demand for just compensation on their behalf pursuant to Measure 37.

Mr. Francis owns numerous properties in Beaverton, grouped as follows:

1. T1S R1W Section 16BA Tax Lots 1700, 1800, 1900, 2000, and 2100
2. T1S R1W Section 16AA Tax Lots 7600, 7700, 7800, 7900, and 8000
3. T1S R1W Section 15BB Tax Lots 600, 700, 800, 900 and 1000
4. T1S R1W Section 16AC Tax Lots 100, 190, 200, and 400
5. T1S R1W Section 10CC Tax Lots 1002, 1005, and 1006

Mr. Francis acquired the properties beginning in 1960, and currently is a limited partner in the partnership. He has maintained a continuous ownership interest in the properties since they were first acquired. A title report for property number 2 is enclosed as Exhibit A, and additional title information will be provided soon.

Mr. Francis intends to continue using these properties for automotive and truck sales, service, and repair. Currently, City of Beaverton Development Code Sections 20.10 and 20.20 restrict automotive and truck sales, service, and repair on the properties. We have identified a number of other City of Beaverton land use regulations currently in effect which were enacted subsequent to acquisition, and which restrict the use and reduce the value of the properties. These land use regulations are listed in Exhibit B to this letter. These land use regulations, and perhaps others, have been enforced against this property. Most recently, on October 21, 2005, city planning staff informed this office that the current commercial and regional center zoning on the properties restricts the use of the property for automotive and truck sales, service, and repair. The City of Beaverton did not have land use regulations in effect at the time of acquisition that restricted automotive and truck sales, service, and repair to the degree that current regulations do.

The compensation shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulations as of the date of written demand for compensation under Measure 37. We estimate the reduction in value is approximately \$3 million. Mr. Francis respectfully demands that this compensation be paid to him pursuant to Measure 37. If the City of Beaverton informs us that its preferred method of resolving this claim is to pay just compensation, an appraisal can be provided at a later time.

In lieu of payment of just compensation, Mr. Francis would welcome removal of the land use regulations currently in effect, so long as the removal is transferable to subsequent owners and the subsequent owners would be authorized to use the property as described above.

Please note that the land use regulations listed in Exhibit B are those we have been able to identify at this time. It is not clear that every provision of these land use regulations would apply to the proposed use. We believe that the list in Exhibit B is an adequate characterization of the land use regulations causing the restriction of use and reduction in value for the property, though it is possible that additional land use regulations apply. Mr. Francis reserves the right to seek relief from, or base the compensation claim on, additional applicable land use regulations, to the extent Exhibit B does not fully capture all land use regulations preventing enjoyment of all uses available at the time of acquisition.

Additionally, due to the novelty of Measure 37 and the claims of Mr. Francis thereunder, we reserve the right to amend or supplement this claim as necessary to satisfy the construction and application of Measure 37. Our position is that any land use regulation (as defined in Measure 37) that prohibits or impairs a property owner's ability to use or dispose of the property through subdivision or partition, as set forth herein, would reduce the value of the property. Under Measure 37, the compensation claim must be paid or the regulations waived, or ultimately the owner shall be allowed to use or dispose of the property as permitted at the time of acquisition.

The claimant is aware that the City of Beaverton has adopted procedures to implement Measure 37. This claim is not made pursuant to such procedures, nor is it limited to regulations enacted before December 2, 2004. Section 6 of Measure 37 creates a cause of action for compensation if a land use regulation continues to apply to the subject property more than 180


City of Beaverton  
October 26, 2005  
Page 3

days after the present owner of the property has made written demand for compensation. Under Section 7 of Measure 37, the procedures adopted by the City of Beaverton cannot act as a prerequisite to filing a compensation claim in circuit court pursuant to Section 6 of Measure 37. Under Section 10 of Measure 37, if the City of Beaverton does not remove the regulations or pay compensation within two years of the date of this claim, Mr. Francis will be allowed to use the properties as permitted when they were acquired.

The property is also subject to land use regulations enacted or enforced by other governmental entities. Appropriate written demands for just compensation are being submitted to those entities as well. We intend to coordinate resolution of those claims with this claim, and encourage the City of Beaverton to contact us at the earliest possible time to discuss possible resolution of this claim. Please send your response to Joe Willis of this firm.

We do hope that City of Beaverton will act promptly, fairly, and responsibly to provide Mr. Francis the clear benefit he is entitled to under Measure 37.

Sincerely,



Donald Joe Willis

JW:

Enclosures

cc: Randy Francis



## Chicago Title Insurance Company of Oregon

® 10135 SE Sunnyside Road, Suite 200  
Clackamas, OR 97015  
Phone No: (503)653-7300

Francis

### DOCUMENT GUARANTEE REPORT

October 19, 2005

Effective Date: October 3, 2005

Order No.: 417100

Liability: \$ 350.00

Premium: \$ 350.00

TO: Schwabe, Williamson & Wyatt, P.C.  
1211 SW Fifth Avenue, Suite 1600  
Portland, Oregon 97204

ATTN.: Neil Sullivan

### CHICAGO TITLE INSURANCE COMPANY OF OREGON

hereinafter called the Company, SUBJECT TO THE TERMS AND PROVISIONS OF THE APPLICATION FOR THIS GUARANTEE, THE LIABILITY EXCLUSIONS AND CONDITIONS SET FORTH BELOW AND IN SCHEDULE 'A' AND THE CONDITIONS CONTAINED HEREIN.

#### GUARANTEES

The insured, against actual loss (except attorney's fees or the cost of defense) not exceeding the liability amount stated above which the insured shall sustain by reason of any incorrectness in the assurances set forth in Schedule 'A'.

#### LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given or liability assumed with respect to the identity of any party names or referred to Schedule 'A' respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the insured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.
3. IN ORDER FOR THIS GUARANTEE TO BE VALID AND EFFECTIVE, THE APPLICATION AND AGREEMENT FOR THE ISSUANCE OF A RECORDED DOCUMENT GUARANTEE EXECUTED BY THE INSURED AND A COPY OF EACH DOCUMENT LISTED AND REFERRED TO IN SCHEDULE 'A' MUST BE ATTACHED HERETO. ALL TERMS AND CONDITIONS OF THE APPLICATIONS ARE HEREBY INCORPORATED BY REFERENCE AS IF FULLY SET FORTH IN THIS GUARANTEE.

By:

Title Officer

*Cindy Aleksa*

Exhibit A

Order No.: 417100

Schedule 'A' - continued

RECORDED DOCUMENT GUARANTEE

The assurances referred on the face page are:

That, according to the Company's title plant records and those records maintained by the County Recorder known as the Grantee/Grantor indices subsequent to February 7, 1969 relative to the following described real property (but without examination of those Company title plant records maintained and indexed by name), there are no recorded deeds describing said real property or any portion thereof, other than those listed below, copies of which are attached hereto and made a part hereof, as may be excepted pursuant to the terms of the guarantee application.

A. The following documents or matters disclosed by documents recorded in the Public records are specifically excluded from the coverage of this guarantee, and the Company assumes no liability for loss or damage by reason of the following:

1. Unpatented mining claims, reservations or exceptions in patents or in the acts authorizing the issuance thereof.
2. Water rights, claims or title to water.
3. Instruments, proceedings or other matters which do not specifically describe said land.
4. Documents pertaining to mineral estates.

B. DESCRIPTION

PLEASE SEE ATTACHED DESCRIPTION SHEET

C. LISTED DOCUMENTS

PLEASE SEE ATTACHED LISTED DOCUMENTS



**SCHEDULE 'B'**

**GUARANTEE CONDITIONS**

1. Definition of terms.

The following terms when used in this guarantee mean:

- a) 'Land': the land described specifically or by reference, in this guarantee;
- b) 'Public Records': those land records designated by state statutes for the purpose of imparting constructive notice of the matters relating to said land;
- c) 'Date': effective date of this guarantee;
- d) 'The Insured': the party or parties named as the insured in this guarantee, or in a supplemental writing executed by the Company;
- e) 'Mortgage': Mortgage, Deed of Trust, Trust Deed or other security instrument;
- f) 'Lease': any lease or sublease of any estate in the land;
- g) 'Assignment': the transfer of the beneficial ownership of any mortgage or lease;
- h) 'Documents': any Deed, Mortgage, Lease or Assignments

2. Notice of Loss - Limitation of Action. A statement in writing of any loss or damage for which the insured claims the Company is liable under this guarantee shall be furnished to the Company within sixty (60) days after such loss or damage shall have been determined.

3. Payment of Loss - Limitation of Liability.

- a) The liability of this Company under this guarantee shall be limited to the amount of actual loss sustained by the insured because of reliance upon the assurances herein set forth, but in no event shall such liability exceed the amount of the liability as stated on the face page of this Guarantee.
- b) All payments under this Guarantee shall reduce the amount of the liability hereunder pro tanto.
- c) When liability has been fixed in accordance with the conditions of this guarantee, the loss shall be payable within thirty (30) days thereafter.

4. Arbitration - Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. Arbitration pursuant to this guarantee and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect on the effective date of this Guarantee shall be binding upon the parties. The award may include attorney's fees only if the laws of the state in which the land is located permit a court to award attorney's fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the sites of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the County upon request.

5. Guarantee entire contract. No provision or condition of this Guarantee can be waived or changed except by a writing endorsed or attached hereto signed by the President, Vice President, a Secretary, an Assistant Secretary or other validating officer of the Company.

6. If any provision or any part of a provision of this agreement is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the legality, validity or enforceability of any other provision of this Guarantee.

7. This Guarantee is issued only for the benefit of the named insured and does not provide any other rights or remedies upon any other person or entity.

8. Notices - All notices required to be given the Company and any statement in writing required to be furnished to the Company shall include the number of this Guarantee and shall be addressed to the Company at its principal office:

CHICAGO TITLE INSURANCE COMPANY  
888 S.W. Fifth Ave., Suite 930  
Portland, OR 97204

**LISTED DOCUMENTS**

1. DOCUMENT TYPE: Warranty Deed  
Recorded: February 7, 1969  
Book: 732  
Page: 602  
Grantor: Alexander Pesenti and Gelinda Casaie  
Grantee: George R. Francis, E. J. Strandnberg and Frank R. Davis, co-partners
2. DOCUMENT TYPE: Quitclaim Deed  
Recorded: February 7, 1969  
Book: 732  
Page: 603  
Grantor: Frank R. Davis and Mary S. Davis, husband and wife  
Grantee: E. J. Strandberg, Frank R. Davis and George R. Francis
3. DOCUMENT TYPE: Warranty Deed  
Recorded: March 30, 1972  
Book: 860  
Page: 269  
Grantor: E. J. Strandberg, George R. Francis and Frank R. Davis  
Grantee: E. J. Strandberg and George R. Francis, co-partners
4. DOCUMENT TYPE: Street Deed  
Recorded: May 7, 1974  
Book: 974  
Page: 1  
Grantor: E. J. Strandberg and George R. Francis, a partnership  
Grantee: City of Beaverton
5. DOCUMENT TYPE: Warranty Deed  
Recorded: June 26, 1980  
Recorder's Fee No.: 80022516  
Grantor: Edward J. Strandberg and George R. Francis, a co-partnership  
Grantee: Beaverton Urban Renewal Agency
6. DOCUMENT TYPE: Warranty Deed  
Recorded: June 30, 1980  
Recorder's Fee No.: 80022948  
Grantor: Beaverton Urban Renewal Agency  
Grantee: E. J. Strandberg and George R. Francis, a co-partnership
7. DOCUMENT TYPE: Bargain and Sale Deed  
Recorded: April 24, 1996  
Recorder's Fee No.: 96036353  
Grantor: E. J. Strandberg and George R. Francis, a co-partnership  
Grantee: George R. Francis
8. DOCUMENT TYPE: Bargain and Sale Deed  
Recorded: December 30, 1996  
Recorder's Fee No.: 96114925  
Grantor: E. J. Strandberg and George R. Francis, a co-partnership  
Grantee: George R. Francis
9. DOCUMENT TYPE: Bargain and Sale Deed

## LISTED DOCUMENTS

(Continued)

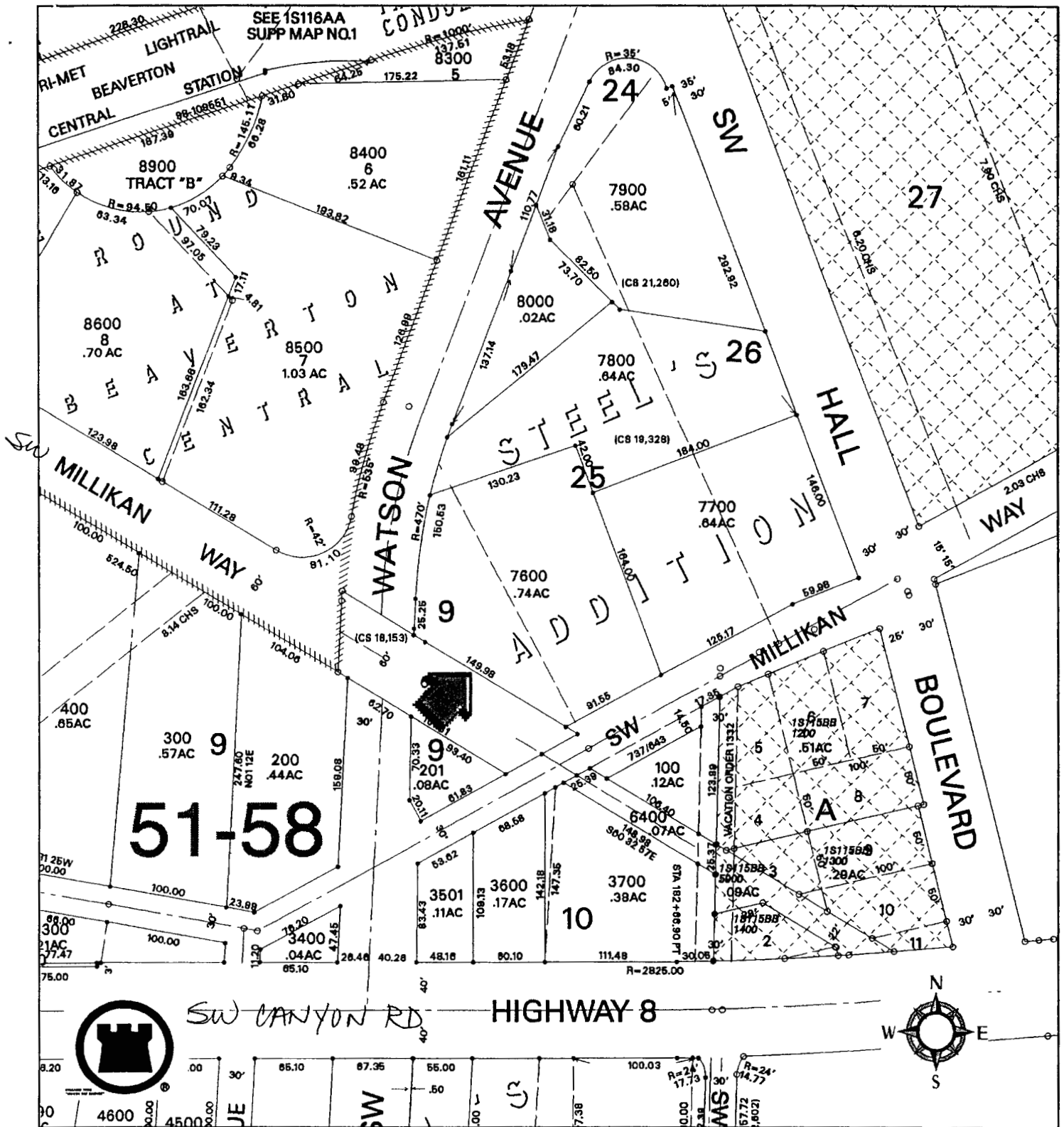
Recorded: November 7, 1997  
Recorder's Fee No.: 97105301  
Grantor: George R. Francis  
Grantee: Strandberg Francis Partnership

10. DOCUMENT TYPE: Warranty Deed  
Recorded: December 31, 2001  
Recorder's Fee No.: 2001-136866  
Grantor: George R. Francis and Strandberg Francis Partnership  
Grantee: George R. Francis and E. J. Strandberg
11. DOCUMENT TYPE: Warranty Deed  
Recorded: January 4, 2002  
Recorder's Fee No.: 2002-001249  
Grantor: George R. Francis  
Grantee: Washington County Investments Limited Partnership

**LEGAL DESCRIPTION**

A parcel of land situated in the Northeast one-quarter of Section 16, Township 1 South, Range 1 West of the Willamette Meridian, being a part of Lot 9 and Lot 25, STEEL'S ADDITION TO THE CITY OF BEAVERTON, in the City of Beaverton, County of Washington and State of Oregon, and being more particularly described as follows:

Beginning at the point of intersection of the Northerly right of way line of SW Beaverdam Road and the Easterly right of way line of the Oregon Electric Railroad; thence along the Easterly line of said Railroad North  $60^{\circ}28'57''$  West 149.98 feet to a point on the Easterly right of way line of SW Watson Street; thence along the Easterly line of said SW Watson Street North  $01^{\circ}12'40''$  East 25.25 feet to a point of curvature; thence 88.29 feet along the arc of a 470.00 foot radius curve to the right through a central angle of  $10^{\circ}45'47''$  the long chord of which bears North  $06^{\circ}35'34''$  a distance of 88.16 feet; thence North  $67^{\circ}33'35''$  East 130.23 feet; thence South  $22^{\circ}26'25''$  East 206.00 feet to the Northerly line of SW Beaverdam Road; thence along the Northerly line of said SW Beaverdam Road South  $59^{\circ}49'23''$  West 91.55 feet to the point of beginning.



## **CHICAGO TITLE**

This plat is for your aid in locating your land with reference to streets and other parcels.  
While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon.

**Map No. 1S116AA 07600**  
**CHICAGO TITLE INSURANCE COMPANY**  
 10001 S.E. SUNNYSIDE ROAD  
 CLACKAMAS, OREGON 97015

**EXHIBIT B TO FRANCIS MEASURE 37 CLAIM**  
**CITY OF BEAVERTON**

**Development Code**

10.10	Purpose
10.15	Compliance
10.20	Interpretation and Application of Code Language
10.30	Zoning Map
10.35	Interpretation of District Boundaries
10.45	Relationship to Other Regulations and Restrictions
10.50	Authorization for Similar Uses
10.55	Fees
10.60	Burden of Proof
10.65.	Conditions of Approval
10.70	Enforcement
10.75	Administrative Rules
10.80	Severability
10.85	Repeal
10.90	Savings Clause
10.93	Hearings Officer
10.95	Development Review Participants
10.95.1	City Council
10.95.2	Planning Commission
10.95.3	Board of Design Review
10.95.4	Facilities Review Committee

## LAND USES

This chapter identifies the types of uses that are permitted, may be conditionally permitted, or are prohibited within zoning districts, and the site development requirements associated specifically with the zoning districts.

20.10.15	General Commercial: GC
20.10.50	Site Development Requirements
20.10.55	Supplemental Development Requirements
20.20.1	Purpose
20.20.2	Multiple Use Areas
20.20.3	Conflicts
20.20.27	Corridor
20.20.43	Regional Center - Transit Oriented: (RC-TO)
20.20.45	Regional Center - Old Town: (RC-OT)
20.20.47	Regional Center - East (RC-E)
20.20.50	Site Development Requirements
20.20.60	Supplementary Regulations
20.20.85	Performance Standards
20.20.90	Natural Resource Protection and Enhancement
20.20.95	Expansion and Enlargement of Nonconforming Uses

## **NONCONFORMING USES**

30.05	Purpose
30.10	Pending Building Permits and Certain Existing or Approved Nonconforming Uses
30.15	Existing Office Use and Structure Exemption
30.20	Nonconforming Lots of Record
30.25	Nonconforming Uses of Land
30.30	Nonconforming Structures
30.35	Nonconforming Uses of Structures
30.40	Repairs and Maintenance
30.45	Uses Under Conditional Use Provisions Not Considered Nonconforming Uses
30.50	Nonconforming Parking, Loading, Signs or Other Characteristics
30.55	Determination of Nonconforming Status
30.60	Historical Land Uses

## **APPLICATIONS**

40.03	FACILITIES REVIEW COMMITTEE
40.10	ADJUSTMENT
40.10.05	Purpose.
40.10.10	Applicability
40.10.15	Application.
40.15	CONDITIONAL USE
40.15.05	Purpose.
40.15.10	Applicability
40.15.15	Application
40.20	DESIGN REVIEW
40.20.05	Purpose.
40.20.10	Applicability
40.20.15	Application.
40.50	LOADING DETERMINATION
40.50.05	Purpose.
40.50.10	Applicability
40.50.15	Application.
40.55	PARKING DETERMINATION
40.55.05	Purpose.
40.55.10	Applicability
40.55.15	Application.
40.60	SIGN
40.60.05	Purpose.
40.60.10	Applicability



40.60.15	Application
40.65	SOLAR ACCESS
40.65.05	Purpose.
40.65.10	Applicability
40.65.15	Application
40.85	TEXT AMENDMENT
40.85.05	Purpose
40.85.10	Applicability
40.85.15	Application
40.90	TREE PLAN
40.90.05	Purpose
40.90.10	Applicability
40.90.15	Application
40.95	VARIANCE
40.95.05	Purpose
40.95.10	Applicability
40.95.15	Application
40.96	WIRELESS FACILITY
40.96.05	Purpose
40.96.10	Applicability
40.96.15	Application
40.97	ZONING MAP AMENDMENT
40.97.05	Purpose
40.97.10	Applicability
40.97.15	Application

## **PROCEDURES**

- 50.05 Initiation of an Application
- 50.10 Withdrawal of an Application
- 50.15 Classification of Applications
- 50.20 Pre-Application Conference
- 50.25 Application Completeness
- 50.30 Neighborhood Review Meeting
- 50.35 Type 1
- 50.40 Type 2
- 50.45 Type 3
- 50.50 Type 4
- 50.55 Conduct of Planning Commission and Board of Design Review Hearing
- 50.57 Time Limits on Planning Commission and Board of Design Review  
Hearing Testimony
- 50.58 Testimony, Exhibits, and Other Evidence before the Planning Commission  
and Board of Design Review
- 50.60 Appeal of a Type 1 Decision
- 50.65 Appeal of a Type 2 Decision
- 50.70 Appeal of a Type 3 Decision
- 50.75 Appeal of a Type 4 Decision
- 50.80 Conduct of Planning Commission or Board of Design Review  
Appeal Hearing
- 50.82 Time Limits on Planning Commission or Board of Design Review Appeal  
Hearing Testimony
- 50.83 Testimony, Exhibits, and Other Evidence before the Planning Commission  
and Board of Design Review
- 50.85 Conduct of the City Council Appeal Hearing
- 50.87 Time Limits on City Council Appeal Hearing Testimony
- 50.88 Testimony, Exhibits, and Other Evidence before the City Council
- 50.89 Withdrawal of an Appeal
- 50.90 Expiration of a Decision
- 50.93 Extension of a Decision
- 50.95 Modification of a Decision
- 50.99 Re-Application or Supplemental Application After Denial

## **SPECIAL REQUIREMENTS**

- 60.05 DESIGN REVIEW PRINCIPLES, STANDARDS AND GUIDELINES
- 60.05.05 Purpose
- 60.05.10 Design Principles
- 60.05.15 Building Design and Orientation Standards
- 60.05.20 Circulation and Parking Design Standards
- 60.05.25 Landscape, Open Space, and Natural Areas Design Standards
- 60.05.30 Lighting Design Standards
- 60.05.35 Building Design and Orientation Guidelines
- 60.05.40 Circulation and Parking Design Guidelines

60.05.45	Landscape, Open Space, and Natural Areas Design Guidelines
60.05.50	Lighting Design Guidelines
60.05.55	Major Pedestrian Route Maps
Table 60.05-1	Technical Lighting Standards
Table 60.05-2	Minimum Landscape Buffer Requirements
60.07	DRIVE-UP WINDOW FACILITIES
60.07.05	Purpose
60.07.10	Standards
60.07.15	Abatement
60.10	FLOODPLAIN REGULATIONS
60.10.05	Purpose
60.10.10	Floodplain Designation
60.10.15	Development in Floodway
60.10.20	Commercial and Industrial Uses in the Floodway Fringe
60.25	OFF-STREET LOADING REQUIREMENTS
60.25.05	Applicability
60.25.10	Loading Berth Design
60.25.15	Number of Required Loading Spaces
60.25.20	Loading Facilities Location
60.25.25	Loading Determination
60.30	OFF-STREET PARKING
60.30.05	Off-Street Parking Requirements
60.30.10	Number of Required Parking Spaces
60.30.15	Off-Street Parking Lot Design
60.30.20	Off-Street Parking Lot Construction
60.30.25	Enforcement
60.40	SIGN REGULATIONS
60.40.05	Purpose
60.40.10	Signs Exempt from Permits and This Ordinance
60.40.15	Signs Subject to Ordinance Regulation - No Permit Required
60.40.20	Signs Subject to Ordinance Regulation - Permit Required
60.40.25	Signs or Advertising Devices Expressly Prohibited
60.40.30	General Provisions
60.40.35	Commercial, Industrial, and Multiple Use Zones
60.40.45	Nonconforming Signs
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  - 3.4. COMMUNITY IDENTITY
  - 3.5. MIXED USE AREAS
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**VOLUME V – COMMUNITY PLANS**

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

**SUBJECT:** An Ordinance Annexing Four Parcels  
Located in the General Vicinity of SW  
Laurelwood Avenue and SW Hazelnut Lane  
to the City of Beaverton: Expedited  
Annexation 2006-0001

**FOR AGENDA OF:** 05/01/06 **BILL NO:** 06072

**Mayor's Approval:** *Bob DeLu*

**DEPARTMENT OF ORIGIN:** CDD *gray*

**DATE SUBMITTED:** 04/14/06

**CLEARANCES:** City Attorney *MR*  
Planning Services *HB*

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Legal Description  
Exhibit C - Staff Report

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
-----------------------------	------------------------	-------------------------------

### **HISTORICAL PERSPECTIVE:**

This request is to annex four tax parcels located at 4976 and 4978 SW Laurelwood Avenue and 8003 and 8011 SW Hazelnut Lane to the City of Beaverton. The parcels are approximately 2.53 total acres. The property owners and a majority of the electors have consented to the annexation. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code Section 3.09.045 and no public hearing is required. The property owners are requesting annexation in order to allow their property to be redeveloped and connect to City sanitary sewer.

### **INFORMATION FOR CONSIDERATION:**

This ordinance and the staff report address the criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. The Neighborhood Program recommends not adding these parcels to any existing NAC.

Staff recommends that the City Council adopt an ordinance annexing the referenced property to be effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

### **RECOMMENDED ACTION:**

First Reading

**ORDINANCE NO. 4391**

AN ORDINANCE ANNEXING FOUR PARCELS LOCATED IN  
THE GENERAL VICINITY OF SW LAURELWOOD AVENUE AND  
SW HAZELNUT LANE TO THE CITY OF BEAVERTON:  
EXPEDITED ANNEXATION 2006-0001

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby all owners of the property and at least 50 percent of the electors, have consented to annexation; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan", and as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton to be effective 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that this annexation is consistent with the City-Agency agreement between the City and Clean Water Services.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The property will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ; and
  - b. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall remain within that district.
- Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.



**Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

**Section 6.** The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading \_\_\_\_\_  
Date

Second Reading and Passed \_\_\_\_\_  
Date

Approved by the Mayor \_\_\_\_\_  
Date

ATTEST:

APPROVED:

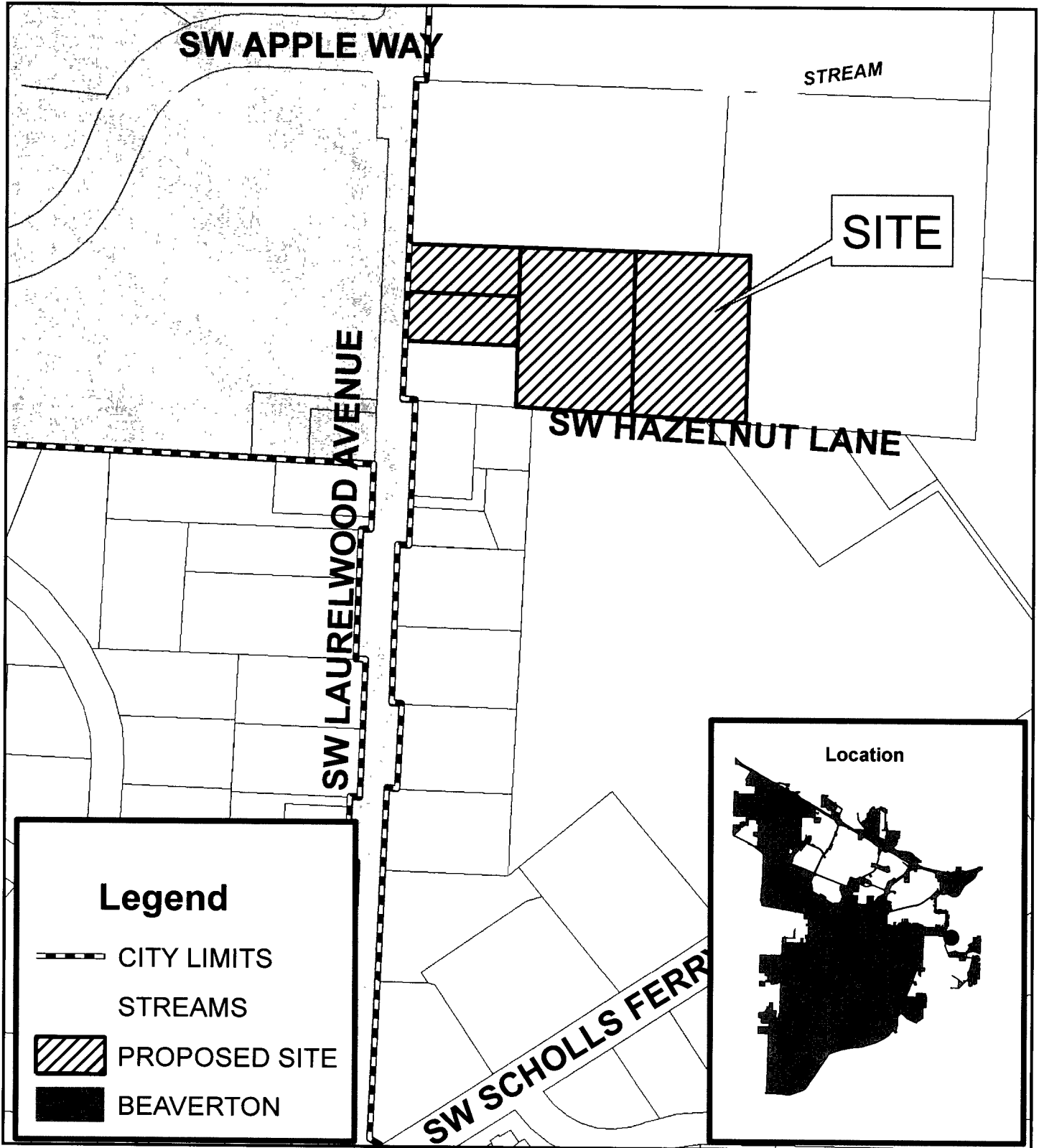
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# VICINITY MAP

ORDINANCE  
NO. 4391

## "EXHIBIT A"



CITY OF BEAVERTON

# ANX 2006-0001

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

3/31/06

1S113BC0400  
402, 500, 600



Application #  
Anx2006-0001

# EXHIBIT B

ORDINANCE NO. 4391

## **Legal Laurelwood/Hazelnut Expedited Annexation ANX 2006-0001**

A parcel of land being situated in the southwest quarter of the northwest quarter of Section 13, Township 1 South, Range 1 West, Willamette Meridian, Washington county, Oregon. Said parcel of land being more particularly described as follows:

BEGINNING at an iron rod at the northwest corner of that tract of land conveyed to Pamela Joy Wilson as recorded in Document Number 90-51617, said iron rod being on the east right of way line of S.W. Laurelwood Avenue (CR 450) and bears South 88°55'30" East for a distance of 883.56 feet and North 00°12'30" East for a distance of 174.7 feet from the west quarter section corner of Section 13, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon;

Thence, Easterly along the north line of said Wilson tract and the north line of that tract of land conveyed to Joseph F. Walsh as recorded in Document Number 96 099396, Washington County Records for and the north line of that tract of land conveyed to Joseph F. Walsh as recorded in Document Number 2001110532, Washington County Records for a distance of 503.8 feet to the northeast corner of said Walsh tract recorded in said Document Number 2001110532;

Thence, Southerly along the east line of said Walsh tract recorded in Document Number 2001110532 for a distance of 249.48 feet to the southeast corner of said Walsh Tract;

Thence, West along the south line of said Walsh tract as recorded in Document Number 2001110532 and the south line of the tract of land conveyed to Joseph F. Walsh as recorded in Document Number 96 099396, Washington County Records for a distance of 348.5 feet the southwest corner of said Walsh tract recorded in Document Number 96 099396;

Thence, North along the west line of said Walsh tract Walsh tract as recorded in Document Number 96 099396 for a distance of 98.8 feet, more or less, to an iron rod at the southeast corner of that tract of land conveyed to Viktorija Rankis as recorded in Document Number 88 43950 of Washington County Records;

Thence, West along the south line of said Rankis tract for a distance of 155.0 feet to an iron rod at the southwest corner of said Rankis tract, said iron rod also being on the east right of way line of S.W. Laurelwood Avenue (CR 450);

Thence, North along said right of way for a distance of 149.7 feet, more or less, to the Point Of Beginning.



## CITY of BEAVERTON

## EXHIBIT C

ORDINANCE NO. 4391

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** City Council

**REPORT DATE:** April 12, 2006

**AGENDA**

**DATE:** May 1, 2006

**FROM:** Community Development Department  
Alan Whitworth, Senior Planner

**SUBJECT:** Laurelwood/Hazelnut Expedited Annexation (ANX 2006-0001)

**ACTIONS:** Annexation to the City of Beaverton of four parcels located at 4976 and 4978 SW Laurelwood Avenue, and 8003 and 8011 SW Hazelnut Lane. The parcels are shown on the attached map, identified on tax map 1S113BC as lots 400, 402, 500 and 600, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petitions attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

**NAC:** This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Program recommends not adding these parcels to any existing NAC.

**AREA:** The four parcels total approximately 2.53 acres

**TAXABLE BM 50 ASSESSED VALUE:** \$ 666,830

**ASSESSOR'S REAL MARKET VALUE:** \$ 1,200,070

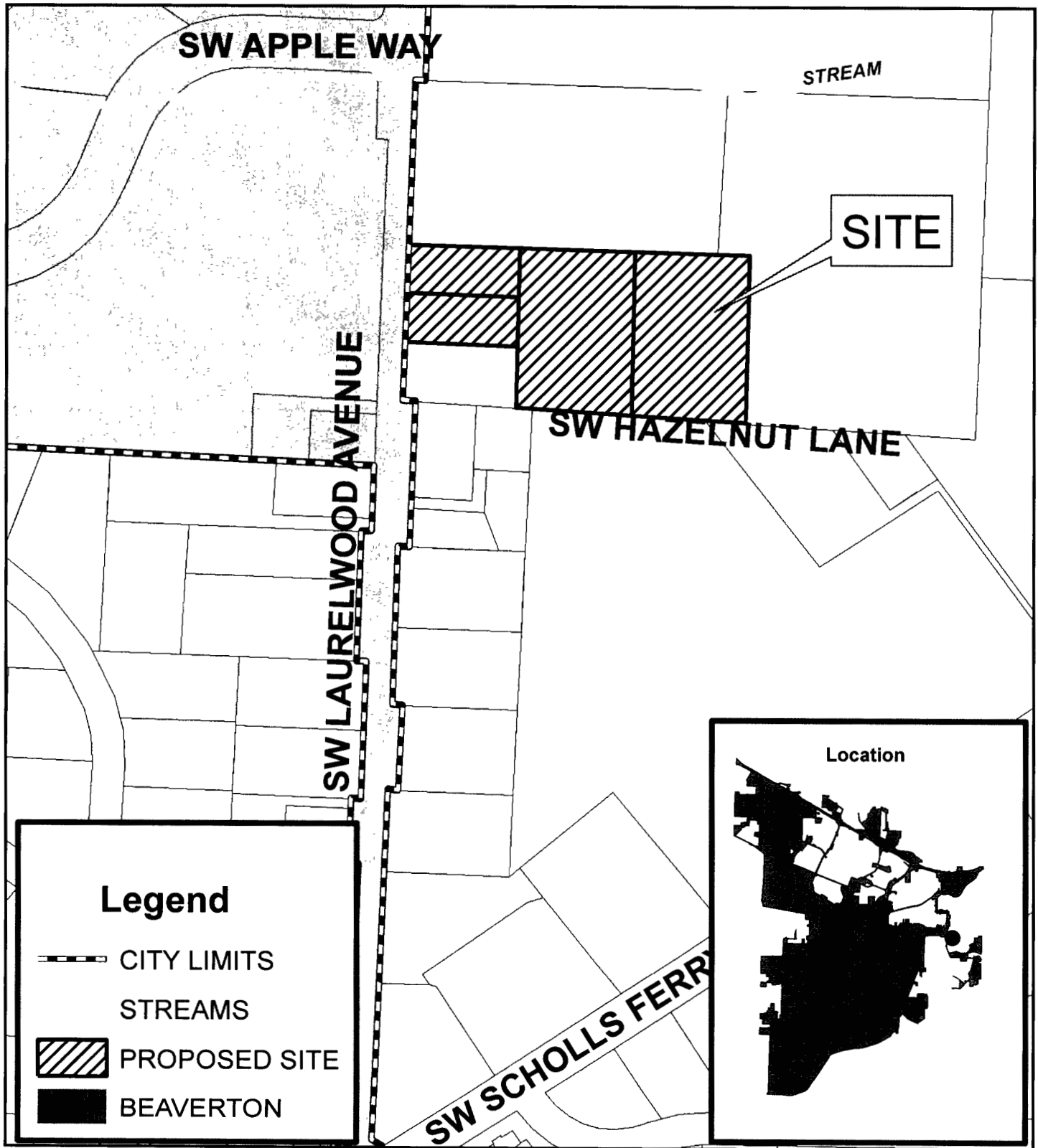
**NUMBER OF LOTS:** 4

**EXISTING COUNTY ZONE:** The two lots on Laurelwood are Residential – 9 units to the acre and the two lots on Hazelnut are Residential – 5 units to the acre

### RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

# VICINITY MAP



CITY OF BEAVERTON

## ANX 2006-0001

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

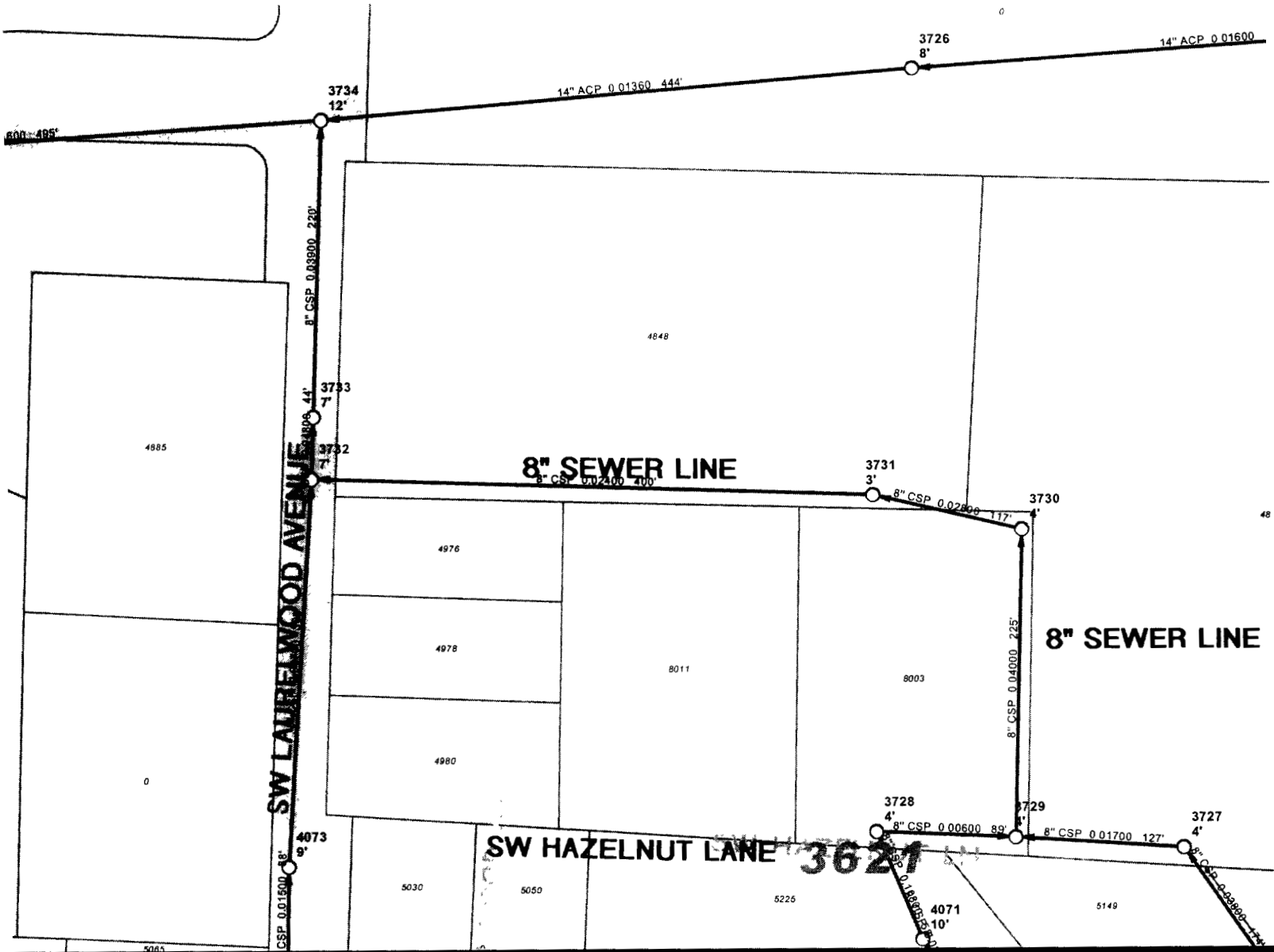
**3/31/06**

1S113BC0400  
 402, 500, 600



**Application #**  
**Anx2006-0001**

# SANITARY SEWER



## **BACKGROUND**

The request is to annex four tax parcels located at 4976 and 4978 SW Laurelwood Avenue, and 8003 and 8011 Hazelnut Lane. The parcels are approximately 2.53 total acres and are proposed for a 14 lot subdivision. All of the property owners and a majority of the electors have consented to the annexation. Three of the four electors, listed on the petitions, have signed the petitions. Their consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code Section 3.09.045 and no public hearing is required. The property owners are requesting annexation in order to allow their property to be redeveloped and to connect to City sanitary sewer.

The property is not currently located within an existing Neighborhood Association Committee (NAC). The Neighborhood Program recommends against adding this property to any existing NAC. Joseph Gall, Senior Program Manager recommends against adding these properties to the adjacent Raleigh West NAC because the Neighborhood Program envisions creating a new NAC, in the future, east of Laurelwood. These parcels would become part of this future NAC.

In December 2004 the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations with County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "A".

## **EXISTING CONDITIONS**

### **SERVICE PROVISION:**

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, and Clean Water Services.
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency

situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

This action is consistent with those agreements.

The following describes services presently provided to the property, and the status of service provision after annexation:

**POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property will be withdrawn from the ESPD and the City will provide police service upon annexation. In practice whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.

**FIRE:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

**SEWER:** There currently is an 8-inch sanitary sewer line that runs along the southern and eastern lot line of the east parcel and then runs along the southern property line of the parcel to the north of these parcels. This sewer line then connects to the 8-inch sewer line in SW Laurelwood. Upon annexation the City will be responsible for billing. Sanitary sewer lines are shown on the map on page 3.

**WATER:** Raleigh Water District provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. The City of Beaverton is not in a situation to provide water to these lots at this time. Raleigh Water District will continue to provide service, maintenance and perform billing. The City does not have any kind of service agreement with Raleigh Water District.

**STORM WATER DRAINAGE:** The property currently has adequate drainage. When the property redevelops, storm drainage will be reviewed as part of the development review process. Upon annexation, billing responsibility will transfer to the City.



<b>STREETS and ROADS:</b>	Access to these properties is from SW Laurelwood (a City maintained Neighborhood Route) and Hazelnut Lane (a local road).
<b>PARKS and SCHOOLS:</b>	The proposed annexation is in the Beaverton School District and the Tualatin Hills Parks and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.
<b>PLANNING, ZONING and BUILDING:</b>	Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations should be applied to this parcel in a separate action at a later date.

## **PUBLIC INVOLVEMENT**

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before April 18, 2006 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City will send notice to the following parties:

- Pamela Joy Wilson, 4979 SW Laurelwood Avenue, Portland, OR 97225, a property owner;
- Viktorija Rankis, 4978 SW Laurelwood Avenue, Portland, OR 97225, a property owner;
- Joseph Francis Walsh, 8011 SW Hazelnut Lane, Portland, OR 97225, a property owner;
- Peter Kusyk, 12703 SW 67<sup>th</sup> Avenue, Tigard, OR 97223, the listed contact person; and,
- The Raleigh West Neighborhood Association Committee (NAC) and the West Slope/Raleigh Hills/Garden Home Citizen Participation Organization (CPO 3); interested parties as set forth in City Code Section 9.06.035.

The notice and a copy of this staff report will be posted on the City's web page.

## CRITERIA FOR APPROVAL

### REGIONAL ANNEXATION CRITERIA:

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). Pursuant to Metro Code Section 3.09.045, Metro Code Sections 3.09.050(d) and (g) include the following minimum criteria for expedited annexation decisions:

**3.09.050 (d)** An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

*Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan.*

*As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.*

- (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

*Findings: The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would*

*transfer to the City as of July 1 of any year if so requested by the City by January 1 of that year.*

*The acknowledged Washington County – Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.*

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

*Findings: Comprehensive Plans: The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.*

*After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:*

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

*As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.*

*Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).*

- ***Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:***

*It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.*

***Two implementing strategies under Policy 15 that relate to annexation state:***

*The County will:*

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:*
  - 3. Service district or city annexation*
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

***The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.***

***Staff has reviewed other elements of the County Comprehensive Plan, particularly the Raleigh Hills - Garden Home Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.***

***Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water***

*drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. No relevant urban services as defined by Metro Code Section 3.09.020(m) will change subsequent to this annexation.*

*Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.*

- (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

*Findings: The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.*

- (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

*Findings: The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.*

- (6) The territory lies within the Urban Growth Boundary; and

*Findings: The property lies within the Urban Growth Boundary.*

- (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

*Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton*

***does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.***

**3.09.050 (g)** Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

***Findings: This criterion is not applicable to this application because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.***

Attachments: Annexation Petitions  
Legal Description  
City Annexation Policies

## **ANNEXATION PETITIONS**



CITY OF BEAVERTON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING SERVICES  
4755 S.W. GRIFFITH DRIVE  
P O BOX 4755  
BEAVERTON, OR 97076-4755  
PHONE: (503) 350-4039

# PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

COMMUNITY DEVELOPMENT DEPT.

MAR 30 2006

RECEIVED

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE  
USE

FILE NAME: 50 Laurelwood Avenue and SW Hazelhurst Lane Expedited Annexation  
FILE NUMBERS: ANX 2006-0001

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

## PROPERTY INFORMATION

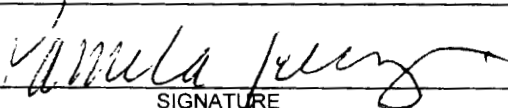
MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S1 13BC -- 00400	4976 SW Laurelwood Avenue, Portland, OR 97225	1	2	2

## CONTACT PERSON ☒ USE MAILING ADDRESS FOR NOTIFICATION

Peter Kusyk	Beacon Homes NW	(503) 570-8828 x202
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
12703 SW 67th Avenue, Tigard, OR 97223		

ADDRESS

## SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

Pamela Joy Wilson		3/1/06	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			



Spencer York Wilson		<input type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS



CITY OF BEAVERTON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING SERVICES  
4755 S.W. GRIFFITH DRIVE  
P.O. BOX 4755  
BEAVERTON, OR 97076-4755  
PHONE: (503) 350-4039

# PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

COMMUNITY DEVELOPMENT DEPT.

MAR 30 2006

RECEIVED

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME. <u>SW Laurelwood Avenue and SW Hazelnut Lane Expedited Annexation</u>
	FILE NUMBERS <u>ANX 2006-0001</u>

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

## PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S1 13BC -- 00402	4978 SW Laurelwood Avenue, Portland, OR 97225	1	1	1

## CONTACT PERSON ☒ USE MAILING ADDRESS FOR NOTIFICATION

Peter Kusk	Beacon Homes NW	(503) 570-8828 x202
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
12703 SW 67th Avenue, Tigard, OR 97223		
ADDRESS		

## SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

Viktorija Rankis	<i>Viktorija Rankis</i>	3-1-2006	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			



CITY OF BEAVERTON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING SERVICES  
4755 S.W. GRIFFITH DRIVE  
P.O. BOX 4755  
BEAVERTON, OR 97076-4755  
PHONE: (503) 350-4039

# PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

COMMUNITY DEVELOPMENT DEPT

MAR 30 2006

RECEIVED

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE

FILE NAME:

*SW Laurelwood Avenue and SW Hazelwood Lane Expedited Annexation*

USE

FILE NUMBERS:

*ANX 2006-0001*

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

## PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S1 13BC -- 00500	8011 SW Hazelnut Lane, Portland, OR 97225	1	1	1

## CONTACT PERSON

☒ USE MAILING ADDRESS FOR NOTIFICATION

Peter Kusyk

Beacon Homes NW

(503) 570-8828 x202

PRINT OR TYPE NAME

BUSINESS NAME

PHONE #

12703 SW 67th Avenue, Tigard, OR 97223

ADDRESS

## SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

Joseph Francis Walsh

PRINT OR TYPE NAME

SIGNATURE

*Joseph Francis Walsh*

DATE

☒ OWNER

☒ ELECTOR

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS



CITY OF BEAVERTON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING SERVICES  
4755 S.W. GRIFFITH DRIVE  
P.O. BOX 4755  
BEAVERTON, OR 97076-4755  
PHONE: (503) 350-4039

# PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

COMMUNITY DEVELOPMENT DEPT.

MAR 30 2006

RECEIVED

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME <u>SW Laurelwood Avenue and Hazelnut Lane Expedited Annexation</u> FILE NUMBERS <u>ANX 2006-0001</u>
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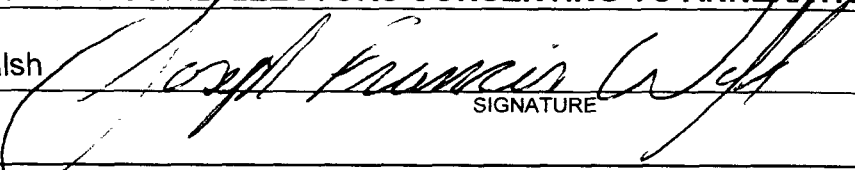
## PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S1 13BC -- 00600	8003 SW Hazelnut Lane, Portland, OR 97225	1	0	0

## CONTACT PERSON ☒ USE MAILING ADDRESS FOR NOTIFICATION

Peter Kusyk	Beacon Homes NW	(503) 570-8828 x202
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
12703 SW 67th Avenue, Tigard, OR 97223		
ADDRESS		

## SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

Joseph Francis Walsh		<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE
3-1-06		
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		

## **LEGAL DESCRIPTION**

**Legal**  
**Laurelwood/Hazelnut Expedited Annexation**  
**ANX 2006-0001**

A parcel of land being situated in the southwest quarter of the northwest quarter of Section 13, Township 1 South, Range 1 West, Willamette Meridian, Washington county, Oregon. Said parcel of land being more particularly described as follows:

BEGINNING at an iron rod at the northwest corner of that tract of land conveyed to Pamela Joy Wilson as recorded in Document Number 90-51617, said iron rod being on the east right of way line of S.W. Laurelwood Avenue (CR 450) and bears South 88°55'30" East for a distance of 883.56 feet and North 00°12'30" East for a distance of 174.7 feet from the west quarter section corner of Section 13, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon;

Thence, Easterly along the north line of said Wilson tract and the north line of that tract of land conveyed to Joseph F. Walsh as recorded in Document Number 96 099396, Washington County Records for and the north line of that tract of land conveyed to Joseph F. Walsh as recorded in Document Number 2001110532, Washington County Records for a distance of 503.8 feet to the northeast corner of said Walsh tract recorded in said Document Number 2001110532;

Thence, Southerly along the east line of said Walsh tract recorded in Document Number 2001110532 for a distance of 249.48 feet to the southeast corner of said Walsh Tract;

Thence, West along the south line of said Walsh tract as recorded in Document Number 2001110532 and the south line of the tract of land conveyed to Joseph F. Walsh as recorded in Document Number 96 099396, Washington County Records for a distance of 348.5 feet the southwest corner of said Walsh tract recorded in Document Number 96 099396;

Thence, North along the west line of said Walsh tract Walsh tract as recorded in Document Number 96 099396 for a distance of 98.8 feet, more or less, to an iron rod at the southeast corner of that tract of land conveyed to Viktorija Rankis as recorded in Document Number 88 43950 of Washington County Records;

Thence, West along the south line of said Rankis tract for a distance of 155.0 feet to an iron rod at the southwest corner of said Rankis tract, said iron rod also being on the east right of way line of S.W. Laurelwood Avenue (CR 450);

Thence, North along said right of way for a distance of 149.7 feet, more or less, to the Point Of Beginning.

## **ANNEXATION POLICY**

RESOLUTION NO. 3785

**A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE  
AREA AND CORPORATE LIMITS ANNEXATION POLICIES**

**WHEREAS**, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

**WHEREAS**, the City's progress toward annexing its assumed urban services area has been slow; and

**WHEREAS**, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

**WHEREAS**, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

**WHEREAS**, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

**WHEREAS**, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

**WHEREAS**, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
BEAVERTON, OREGON**

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

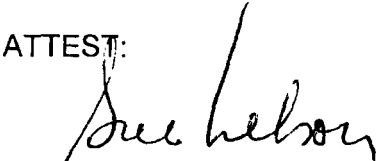
Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER, 2004.


Ayes: 4

Nays: 0

ATTEST:

  
SUE NELSON, City Recorder

APPROVED:

  
ROB DRAKE, Mayor



## **City of Beaverton Urban Service Area and Corporate Limits Annexation Policies**

### **A. City of Beaverton Urban Service Area Policy**

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

### **B. City of Beaverton Corporate Limits Policy**

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).